



February 22, 2008

ENGROSSED HOUSE BILL No. 1196

DIGEST OF HB 1196 (Updated February 20, 2008 11:04 pm - DI 102)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-14; IC 4-8.1; IC 5-10.2; IC 20-23; IC 20-25; IC 33-33; noncode.

Synopsis: Various election law matters. Makes the following changes in election law: (1) Provides that an identification document issued by the Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that has an indefinite expiration date, or an identification issued by an approved institution of higher learning is an acceptable proof of identification to vote. (2) Provides that certain individuals under the supervision of the criminal justice system may not be employed by a county board of voter registration. (3) Provides that a person who is subject to lawful detention but has not been convicted of a crime is eligible to register and vote until the person has been convicted of a crime and imprisoned following conviction. (4) Provides that poll clerks and assistant poll clerks may ask a voter to show proof of identification. (5) Permits all absentee ballot envelopes and related voter applications that will be sent to the same precinct to be enclosed in the same carrier envelope.
(Continued next page)

Effective: January 1, 2008 (retroactive); upon passage; July 1, 2008; January 1, 2009.

Pierce, Richardson

(SENATE SPONSORS — LANDSKE, DEIG, LAWSON C, BRODEN)

January 10, 2008, read first time and referred to Committee on Elections and Apportionment.

January 24, 2008, amended, reported — Do Pass.

January 29, 2008, read second time, amended, ordered engrossed.

January 30, 2008, engrossed. Read third time, passed. Yeas 66, nays 27.

SENATE ACTION

February 5, 2008, read first time and referred to Committee on Local Government and Elections.

February 21, 2008, amended, reported favorably — Do Pass.

EH 1196—LS 6929/DI 75+



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(6) Makes the beginning date of absentee voting in the clerk's office or a satellite office one day later than under current law. (7) Provides that an individual elected treasurer of state takes office January 1 following the individual's election. Provides that the individual elected treasurer of state at the 2006 election vests as a member of PERF if the individual is reelected as treasurer of state at the 2010 election and serves in office until January 1, 2015. Establishes 65 years of age with at least eight years of creditable service as the normal retirement age for a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana. (8) Authorizes the secretary of state (secretary) to conduct public or private investigations: (A) to determine whether a violation of Indiana election law has occurred, is occurring, or is about to occur; and (B) to aid in the enforcement of Indiana election law. Gives the secretary certain investigative powers, including the power to issue subpoenas and conduct depositions. Requires the attorney general to provide legal assistance to the secretary. Requires the secretary, upon request, to provide all necessary and reasonable assistance to the agency or the prosecuting attorney to which investigation results are referred. Requires the agency or prosecuting attorney receiving a referral from the secretary to report to the secretary not later than the earlier of: (A) 180 days after the referral; or (B) the sixtieth day before the statute of limitations expires on a violation that was referred; the decision as to whether to take further action on the referral. (9) Changes the classification of certain crimes relating to elections from a Class D felony to a Class C felony. (10) Requires a county election board (board) to mail to the secretary not later than 60 days after election day a copy of each affidavit executed at a polling place concerning the eligibility of voters or precinct election officers. (11) Requires that school board members selected by election must be elected at general elections. Repeals obsolete statutes. (12) Establishes the use of vote centers as an option for all counties. Requires the board to approve an order designating the county a vote center county, adopt a plan to administer the vote centers, and file the order and the plan with the election division. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating the county as a vote center county and files a copy of the rescission with the election division. (13) Requires the board to establish at least one alternate polling place at a central location in the jurisdiction in which an election will be held for use in the event that voters are unable to vote in their assigned polling place because the polls do not open within one hour after the time required. (14) Redesignates automatically as a vote center county a county designated before July 1, 2008, as a vote center pilot county. (15) Allows the secretary to designate not later than March 15, 2008, one additional county as a vote center pilot county. (16) Repeals the expiration date of the vote center program and provisions that: (A) require the secretary's approval of the vote center designation; and (B) allow the secretary to revoke the vote center designation.

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February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1196

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 40.5. **(a) Except as provided in subsections**
4 **(b) and (c),** "proof of identification" refers to a document that satisfies
5 all the following:

6 (1) The document shows the name of the individual to whom the
7 document was issued, and the name conforms to the name in the
8 individual's voter registration record.

9 (2) The document shows a photograph of the individual to whom
10 the document was issued.

11 (3) The document includes an expiration date, and the document:
12 (A) is not expired; or
13 (B) expired after the date of the most recent general election.

14 (4) The document was issued by **any of the following:**

15 **(A)** The United States. ~~or~~

16 **(B)** The state of Indiana.

17 **(C)** An approved postsecondary educational institution (as

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defined in IC 21-7-13-6(a)).

(b) Notwithstanding subsection (a)(3), a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

(1) otherwise complies with the requirements of subsection (a); and

(2) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

SECTION 2. IC 3-5-2-49.9, AS ADDED BY P.L.164-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 49.9. (a) "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.

(b) This section expires December 31, 2009.

SECTION 3. IC 3-6-3.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 3.9. Investigation of Violations of Election Law

Sec. 1. The secretary of state may conduct public or private investigations as the secretary of state considers necessary or appropriate to:

(1) determine whether a violation of:

(A) this title;

(B) a rule adopted under this title; or

(C) an order issued under this title;

has occurred, is occurring, or is about to occur; or

(2) aid in the enforcement of:

(A) this title; or

(B) rules adopted under this title.

Sec. 2. (a) If, after conducting an investigation under section 1 of this chapter, the secretary of state determines that a violation has occurred, is occurring, or is about to occur, the secretary of state shall refer the results of the investigation to the appropriate local, state, or federal agency.

(b) If, after conducting an investigation under section 1 of this chapter, the secretary of state determines that there is a basis for belief that there may have been a violation of criminal law, the secretary of state shall refer the results of the investigation to the appropriate federal agencies or the appropriate prosecuting

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attorney.

(c) At the request of:

- (1) a federal, state, or local agency receiving a referral described in subsection (a) or (b); or
- (2) a prosecuting attorney receiving a referral described in subsection (b);

the secretary of state shall give all necessary and reasonable assistance to the agency or the prosecuting attorney to facilitate the investigation of violations and the enforcement of this title.

(d) A federal, state, or local agency or a prosecuting attorney to which the secretary of state has referred investigation results under subsection (a) or (b) shall report to the secretary of state the agency's or prosecuting attorney's decision as to whether to take further action on the referral.

(e) A report made under subsection (d) must be filed with the secretary of state on the earlier of the following:

- (1) One hundred eighty (180) days after the date of the referral.
- (2) Sixty (60) days before the date the statute of limitations expires on a violation that was referred.

Sec. 3. (a) In conducting an investigation under this chapter, the secretary of state or a person designated by the secretary of state to exercise the powers provided in this section may do any of the following:

- (1) Administer oaths and affirmations.
- (2) Issue and serve subpoenas requiring:
 - (A) the appearance of a witness in person before the secretary of state or any person designated by the secretary of state; or
 - (B) the production of books, papers, electronic data, and documents or other things.
- (3) Question witnesses.
- (4) Require the filing of statements and other evidence.
- (5) Take depositions in the manner prescribed by law for depositions in civil actions.
- (6) Transcribe testimony provided by witnesses by deposition or other methods.
- (7) Examine, inspect, or test, or cause to be examined, inspected, or tested, any machine, computer, or other thing.
- (8) Apply to a court to enforce a subpoena or any other investigative request issued under this chapter.
- (b) Each witness who appears before the secretary of state or a

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person designated by the secretary of state under subsection (a) by subpoena or other order is entitled to receive for the witness's attendance the fees and mileage provided for witnesses in civil cases, which shall be audited and paid by the state in the same manner as other expenses of the secretary of state are audited and paid upon the presentation of proper vouchers sworn to by the witnesses and approved by the secretary of state. However, a witness subpoenaed by a party other than the secretary of state or a person designated by the secretary of state under subsection (a) is not entitled to any fee or compensation from the state.

Sec. 4. (a) This section applies if:

(1) a person disobeys a lawful:

(A) subpoena issued under this chapter; or

(B) demand issued under this chapter requiring the production of books, accounts, papers, records, documents, or other evidence or information; or

(2) a witness refuses to:

(A) appear when subpoenaed;

(B) testify to any matter regarding which the witness may lawfully be questioned; or

(C) take or subscribe an oath required under this chapter.

(b) The secretary of state may file a written petition with the circuit or superior court of the county in which the investigation is being or will be conducted or where production is ordered to be made to compel:

(1) obedience to the lawful requirements of the subpoena or order;

(2) the production of the necessary or required books, papers, records, documents, or other evidence or information; or

(3) a witness to:

(A) appear in any county in Indiana and to testify to any matter regarding which the witness may lawfully be interrogated; or

(B) take or subscribe to an oath required under this chapter.

(c) The court shall hold a hearing to determine whether the person referred to in subsection (a)(1) may lawfully refuse to comply with the subpoena or demand or whether the witness referred to in subsection (a)(2) may lawfully refuse to appear, take an oath, and testify.

(d) If the court determines that the person referred to in subsection (a)(1) or the witness referred to in subsection (a)(2),

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based upon the person's or witness's privilege against self-incrimination, may properly refuse to answer a particular question or produce a particular item, the court shall grant use immunity to the person or witness at the written request of the secretary of state. The court shall instruct the person or witness, by written order or in open court, that:

(1) evidence the person or witness gives, or evidence derived from that evidence, may not be used in any criminal proceedings against the person or witness, unless the evidence is volunteered by the person or witness or is not responsive to a question; and

(2) the person or witness must answer the questions asked or produce the items requested.

A grant of use immunity under this subsection does not prohibit the use of evidence that the person or witness gives in an investigation from being used in a prosecution for perjury under IC 35-44-2-1.

(e) If a person:

(1) refuses to give the evidence after the person has been granted use immunity under subsection (d); or

(2) otherwise fails, refuses, or neglects to comply with a court order under this section;

the court shall punish the person for contempt of court.

(f) This section does not preclude a person from applying to the circuit or superior court in the county in which the investigation is being or will be conducted or where production is ordered to be made for relief from a request or order to appear, testify, file a statement, produce records, or obey a subpoena.

Sec. 5. At the secretary of state's request, the attorney general shall give all necessary assistance to the secretary of state to implement this chapter.

SECTION 4. IC 3-7-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) **Subject to subsection (c)**, a board of registration may employ all necessary assistants.

(b) The number of employees shall be divided equally between the major political parties of the county.

(c) **A person who is:**

(1) on probation;

(2) on parole;

(3) subject to home detention under IC 35-38-2.5;

(4) placed in a community corrections program under

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1 **IC 35-38-2.6;**

2 **(5) in a community transition program under IC 11-10-11.5;**

3 **(6) participating in a postconviction forensic diversion**
 4 **program under IC 11-12-3.7;**

5 **(7) being supervised by a reentry court;**

6 **(8) serving a sentence in a minimum security assignment**
 7 **under IC 35-38-3-6; or**

8 **(9) serving an intermittent sentence;**

9 **may not be an employee of, or otherwise perform work for, a**
 10 **board of registration.**

11 SECTION 5. IC 3-7-13-4 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person who is:

13 (1) convicted of a crime; and

14 (2) imprisoned following conviction;

15 is deprived of the right of suffrage by the general assembly pursuant to
 16 Article 2, Section 8 of the Constitution of the State of Indiana.

17 (b) A person described in subsection (a) is ineligible to register
 18 under this article during the period that the person is:

19 (1) imprisoned; or

20 (2) otherwise subject to lawful detention.

21 **(c) A person who is subject to lawful detention but has not been**
 22 **convicted of a crime is eligible to:**

23 (1) register under this article; and

24 (2) vote;

25 **until the person has been convicted of a crime and imprisoned**
 26 **following conviction.**

27 SECTION 6. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JANUARY 1, 2009]: Sec. 15. (a) A person who files a
 29 declaration of candidacy for an elected office for which a per diem or
 30 salary is provided for by law is disqualified from filing a declaration of
 31 candidacy for another office for which a per diem or salary is provided
 32 for by law until the original declaration is withdrawn.

33 (b) A person may file both:

34 (1) a declaration of candidacy under this chapter for nomination
 35 to a federal or state office; and

36 (2) a written request under IC 3-8-3-1 that the person's name be
 37 placed on the ballot in a primary election as a candidate for
 38 nomination for the office of President of the United States.

39 ~~(c) A person may not file:~~

40 ~~(1) a declaration of candidacy for a nomination; and~~

41 ~~(2) a petition of nomination or declaration of intent to be a~~
 42 ~~write-in candidate for a school board office that is elected at the~~

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same time as the primary election.

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section 18 of this chapter. The board shall determine which document was most recently filed and shall consider the previously filed document to have been withdrawn.

SECTION 7. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

(1) The title of each office.

(2) The name of each individual who has filed a request to be placed on the presidential primary ballot.

(3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.

~~(4) The names and addresses of all persons who have filed a petition of nomination for election to a school board office to be chosen at the same time as the primary election.~~

~~(5) (4)~~ The text of any public question to be placed on the ballot.

~~(6) (5)~~ The date of the primary election.

~~(7) (6)~~ The hours during which the polls will be open.

(b) The county election board shall do the following:

(1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.

(2) File a copy of the information described in subsection (a):

(A) with the election division; and

(B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 8. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS

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A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]:

Chapter 2.5. Nomination for School Board Office

Sec. 1. This chapter applies to a candidate for a school board office.

Sec. 2. A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

Sec. 3. A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5. If a candidate for a school board office is required to file a statement of organization for the candidate's principal committee, the statement of organization must be filed by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate.

Sec. 4. (a) A petition of nomination for a school board office must be filed not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.

(b) A declaration of intent to be a write-in candidate for a school board office must be filed not earlier than ninety (90) days before the general election and not later than noon five (5) days before the final date for the delivery of absentee ballots under IC 3-11-4-15. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

SECTION 9. IC 3-10-1-19, AS AMENDED BY P.L.164-2006, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan

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ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

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- 1 (I) County council member.
- 2 (5) Township offices:
- 3 (A) Township assessor.
- 4 (B) Township trustee.
- 5 (C) Township board member.
- 6 (D) Judge of the small claims court.
- 7 (E) Constable of the small claims court.
- 8 (6) City offices:
- 9 (A) Mayor.
- 10 (B) Clerk or clerk-treasurer.
- 11 (C) Judge of the city court.
- 12 (D) City-county council member or common council member.
- 13 (7) Town offices:
- 14 (A) Clerk-treasurer.
- 15 (B) Judge of the town court.
- 16 (C) Town council member.
- 17 (c) The political party offices with candidates for election shall be
- 18 placed on the primary election ballot in the following order after the
- 19 offices described in subsection (b):
- 20 (1) Precinct committeeman.
- 21 (2) State convention delegate.
- 22 (d) The following offices and public questions shall be placed on the
- 23 primary election ballot in the following order after the offices described
- 24 in subsection (c):
- 25 ~~(1) School board offices to be elected at the primary election;~~
- 26 ~~(2) (1) Other~~ Local offices to be elected at the primary election.
- 27 ~~(3) (2)~~ Local public questions.
- 28 (e) The offices and public questions described in subsection (d)
- 29 shall be placed:
- 30 (1) in a separate column on the ballot if voting is by paper ballot;
- 31 (2) after the offices described in subsection (c) in the form
- 32 specified in IC 3-11-13-11 if voting is by ballot card; or
- 33 (3) either:
- 34 (A) on a separate screen for each office or public question; or
- 35 (B) after the offices described in subsection (c) in the form
- 36 specified in IC 3-11-14-3.5;
- 37 if voting is by an electronic voting system.
- 38 (f) A public question shall be placed on the primary election ballot
- 39 in the following form:
- 40 (The explanatory text for the public question,
- 41 if required by law.)
- 42 "Shall (insert public question)?"

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1 ☐ YES

2 ☐ NO

3 SECTION 10. IC 3-10-1-19.2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19.2. (a)
5 Whenever candidates are to be nominated for an office that includes
6 more than one (1) district, the districts shall be placed on the ballot in
7 alphabetical or numerical order, according to the designation given to
8 the district.

9 (b) Whenever candidates are to be nominated for an office that
10 includes both an at-large member and a member representing a district,
11 the candidates seeking nomination as an at-large member shall be
12 placed on the ballot before candidates seeking nomination to represent
13 a district.

14 (c) ~~This subsection applies to a school board office or political~~
15 ~~office to be elected at the primary election ballot.~~ Candidates for a
16 ~~school board office~~ or a political party office shall be placed on the
17 ballot in accordance with the rules applicable to candidates for
18 nomination to an office under subsections (a) and (b).

19 SECTION 11. IC 3-10-1-32 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 32. Primary
21 election returns must contain the whole number of votes cast for **each**
22 **of the following:**

23 (1) Each candidate of each political party.

24 (2) Each public question voted on at the primary election. ~~and~~

25 (3) Each candidate for election to a ~~school board office~~ or
26 political party office.

27 SECTION 12. IC 3-11-8-2 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. A voter shall vote at
29 the polls for the precinct where the voter resides except when
30 authorized to vote:

31 **(1) in another precinct under IC 3-10-10, IC 3-10-11, or**
32 **IC 3-10-12; or**

33 **(2) at a special voting poll under section 6.5 of this chapter; or**

34 **(3) at an alternate polling place under section 3.3 of this**
35 **chapter.**

36 SECTION 13. IC 3-11-8-3.2 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.2. (a) A county
38 executive shall give ten (10) days notice of the place of voting in each
39 precinct by publication in the manner prescribed by IC 5-3-1-4. The
40 notice must include the following information:

41 (1) For each precinct, whether the polls are located in an
42 accessible facility.

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(2) If special polling places are designated under section 6.5 of this chapter:

(A) the location of each special polling place; and

(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c) **or section 3.3 of this chapter**, a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

SECTION 14. IC 3-11-8-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3.3. (a) Before each election that is held after June 30, 2008, each:**

(1) county election board; and

(2) county board of elections and registration;

shall designate at a central location in the jurisdiction in which the election will be held at least one (1) alternate polling place for use in the event that voters are unable to vote in their assigned polling place because the polls do not open within one (1) hour after the time that the polls are required to open under section 8 of this chapter.

(b) If the polls in any precinct do not open within one (1) hour after the polls are required to open under section 8 of this chapter, the county election board or county board of elections and registration shall order the relocation of the polling place to the alternate polling place designated under subsection (a).

(c) The county election board shall give the best possible notice of the relocation of the polling place to the news media and the voters of the precinct.

(d) If the jurisdiction in which the election will be held has at least twenty-five thousand (25,000) active voters, the county election board or county board of elections and registration shall designate at least one (1) alternate polling place at a central location in each township included in the jurisdiction in which the

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1 election will be held.

2 (e) An alternate polling place designated under this section
3 must:

4 (1) be located in an accessible facility; and

5 (2) operate under all other requirements for precincts and
6 polls under this title.

7 (f) Votes cast at an alternate polling place shall be counted and
8 reported in the same manner as if the votes had been cast at the
9 polls that did not open within the period required under subsection
10 (a).

11 SECTION 15. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006,
12 SECTION 100, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in
14 subsection (e), a voter who desires to vote an official ballot at an
15 election shall provide proof of identification.

16 (b) Except as provided in subsection (e), before the voter proceeds
17 to vote in the election, a ~~member of the precinct election board~~ officer
18 shall ask the voter to provide proof of identification. The voter shall
19 produce the proof of identification before being permitted to sign the
20 poll list.

21 (c) If:

22 (1) the voter is unable or declines to present the proof of
23 identification; or

24 (2) a member of the precinct election board determines that the
25 proof of identification provided by the voter does not qualify as
26 proof of identification under IC 3-5-2-40.5;

27 a member of the precinct election board shall challenge the voter as
28 prescribed by this chapter.

29 (d) If the voter executes a challenged voter's affidavit under section
30 22.1 of this chapter, the voter may:

31 (1) sign the poll list; and

32 (2) receive a provisional ballot.

33 (e) A voter who votes in person at a precinct polling place that is
34 located at a state licensed care facility where the voter resides is not
35 required to provide proof of identification before voting in an election.

36 (f) After a voter has passed the challengers or has been sworn in, the
37 voter shall be instructed by a member of the precinct election board to
38 proceed to the location where the poll clerks are stationed. The voter
39 shall announce the voter's name to the poll clerks or assistant poll
40 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
41 election board shall require the voter to write the following on the poll
42 list:

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(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 16. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same**

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precinct.

(b) The envelope shall be securely sealed and endorsed with the name and official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 17. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A voter who votes by absentee ballot because of the voter:

(1) has an illness or injury; or

(2) is caring for a confined person at a private residence; or

(3) is subject to lawful detention but has not been convicted of a crime;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in

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subsection (b).

(e) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

SECTION 18. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and
- (2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine~~ **(29) twenty-eight (28)** days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by

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absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

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the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).

SECTION 19. IC 3-11-18-1, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to a county designated as a vote center ~~pilot~~ county under this chapter.

SECTION 20. IC 3-11-18-3, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) For a county to be designated a vote center ~~pilot~~ county:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve ~~the filing of an application to be designated an order designating the county~~ a vote center ~~pilot~~ county;

(2) all members of the board must sign the ~~application~~; **order**; and

(3) the ~~application order~~ must be filed with the ~~secretary of state~~; **election division**.

(b) The ~~application order filed with the election division~~ must include **a copy of:**

(1) a resolution adopted by the county executive; and

(2) a resolution adopted by the county fiscal body;

approving the ~~submission designation of the application~~; **county as a vote center county**.

SECTION 21. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The ~~application order adopted by the county election board~~ must include a plan for the administration of vote centers in the county. The plan must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center. ~~and the municipality, if any, in which the vote center is located~~.

(3) ~~A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application~~.

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(3) The effective date of the order.

(4) The total number of voters ~~within each municipality, in the county,~~ as of the date of the ~~application;~~ **order,** and the number of those voters ~~within each municipality~~ designated as "active" and "inactive" according to the ~~county voter registration office;~~ **computerized list (as defined in IC 3-7-26.3-2).**

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to:

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(A) prevent a disruption of the vote center process; and

(B) ensure that the election is properly conducted if a disruption occurs.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

SECTION 22. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. ~~(a) Except for a municipality described in subsection (b);~~ A plan must provide a vote center for use by voters residing ~~in each municipality~~ within the county ~~conducting for use in a primary election, general election, special election, a municipal primary, or a municipal election conducted on or after the effective date of the county election board's order.~~

~~(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.~~

SECTION 23. IC 3-11-18-6, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. When the total number of voters designated under section 4(4) of this chapter as "active" equals at least twenty-five thousand (25,000), ~~in the municipalities listed in the plan;~~ the following apply:

(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

SECTION 24. IC 3-11-18-7, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. Before approving ~~an application to designate an order designating~~ a county as a vote center ~~pilot~~ county under this chapter, the ~~secretary of state~~ county election board

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- 1 must determine the following:
- 2 (1) That the secure electronic connection as described under
- 3 section 4(10)(B) of this chapter is sufficient to prevent:
- 4 (A) any voter from voting more than once; and
- 5 (B) unauthorized access by any person to:
- 6 (i) the electronic poll lists for a precinct whose polls are to
- 7 be located at the vote center; or
- 8 (ii) the computerized list of voters of the county.
- 9 (2) That the planned design and location of the equipment and
- 10 precinct officers will provide the most efficient access for:
- 11 (A) voters to enter the polls, cast their ballots, and leave the
- 12 vote center; and
- 13 (B) precinct election officials, watchers, challengers, and
- 14 pollbook holders to exercise their rights and perform their
- 15 duties within the vote center.

16 SECTION 25. IC 3-11-18-8, AS ADDED BY P.L.164-2006,

17 SECTION 119, IS AMENDED TO READ AS FOLLOWS

18 [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** The designation of a county

19 as a vote center ~~pilot~~ county takes effect immediately **upon the filing**

20 **of the order with the election division**, unless otherwise specified by

21 the ~~secretary of state~~ **county election board**.

22 **(b) The designation of a county as a vote center county remains**

23 **in effect until the county election board, by unanimous vote of its**

24 **entire membership:**

- 25 **(1) rescinds the order designating the county as a vote center**
- 26 **county; and**
- 27 **(2) files a copy of the document rescinding the order with the**
- 28 **election division.**

29 SECTION 26. IC 3-11-18-11, AS ADDED BY P.L.164-2006,

30 SECTION 119, IS AMENDED TO READ AS FOLLOWS

31 [EFFECTIVE JULY 1, 2008]: Sec. 11. Except as otherwise provided

32 by this chapter, the county shall administer an election conducted at a

33 vote center in accordance with federal law, this title, and the plan

34 ~~submitted~~ **adopted** with the ~~application~~ **county election board's order**

35 under section 4 of this chapter.

36 SECTION 27. IC 3-11-18-15, AS ADDED BY P.L.164-2006,

37 SECTION 119, IS AMENDED TO READ AS FOLLOWS

38 [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) In addition to the precinct

39 election officers appointed under IC 3-6-6, a county election board by

40 the unanimous vote of the entire membership may appoint one (1) or

41 more greeters to:

- 42 (1) direct voters entering the vote center to the appropriate

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location for the voters to sign the electronic poll list; and
 (2) provide other instructions to facilitate the efficient movement
 of individuals within the vote center.

(b) An individual appointed as a greeter under this section must bear
 credentials issued by the county election board stating the name of the
 individual and the individual's status as a greeter.

**(c) The plan adopted with a county election board's order under
 section 4 of this chapter may authorize precinct election officials to
 perform duties specified under this title using alternative
 procedures described in the plan in order to efficiently administer
 the county's vote centers.**

SECTION 28. IC 3-11-18-17, AS ADDED BY P.L.164-2006,
 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) ~~The secretary of state may
 permit~~ A county ~~to~~ **may** amend a plan ~~submitted~~ **adopted with a
 county election board's order** under section 4 of this chapter.

(b) For a county to amend its plan:

- (1) the county election board (or board of elections and
 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
 unanimous vote of the entire membership of the board, must
 approve the ~~filing of a request to amend the plan~~ **amendment**;
- (2) all members of the board must sign the ~~request~~ **amendment**;
 and
- (3) the ~~request~~ **amendment** must be filed with the ~~secretary of
 state~~ **election division**.

~~(c) The request for amendment must set forth the specific
 amendments proposed to be made to the plan.~~

**(c) A plan amendment takes effect immediately upon filing with
 the election division, unless otherwise specified by the county
 election board.**

SECTION 29. IC 3-14-2-9 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. A person who
 knowingly votes or offers to vote at an election when the person is not
 registered or authorized to vote commits a ~~Class D~~ **Class C** felony.

SECTION 30. IC 3-14-2-11 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. Except as provided
 by IC 3-10-10, IC 3-10-11, or IC 3-10-12, a person who knowingly
 votes or offers to vote in a precinct except the one in which the person
 is registered and resides commits a ~~Class D~~ **Class C** felony.

SECTION 31. IC 3-14-2-13, AS AMENDED BY P.L.103-2005,
 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2008]: Sec. 13. A person who knowingly hires or solicits

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another person to go into a precinct for the purpose of voting at an election at the precinct when the person hired or solicited is not a voter in the precinct commits a ~~Class D~~ **Class C** felony.

SECTION 32. IC 3-14-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. A precinct election officer or public official upon whom a duty is imposed by this title who knowingly:

(1) allows a person to vote who is not entitled to vote; or

(2) allows a person to vote by use of an unauthorized procedure; commits a ~~Class D~~ **Class C** felony.

SECTION 33. IC 3-14-2-15, AS AMENDED BY P.L.103-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. A member, an employee, or an agent of a county election board who knowingly delivers a ballot to a person except in the manner prescribed by this title commits a ~~Class D~~ **Class C** felony.

SECTION 34. IC 3-14-2-16, AS AMENDED BY P.L.103-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. A person who knowingly does any of the following commits a ~~Class D~~ **Class C** felony:

(1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.

(2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.

(3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.

(4) Receives from a voter a ballot prepared by the voter for voting, except:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member or an employee of a county election board (acting under the authority of the board and state law) or an absentee voter board member acting under IC 3-11-10; or

(D) a member of the voter's household, an individual designated as attorney in fact for the voter, or an employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the

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- 1 United States Postal Service or a bonded courier company)
- 2 when delivering an envelope containing an absentee ballot
- 3 under IC 3-11-10-1.
- 4 (5) Receives a ballot from a person other than one of the poll
- 5 clerks or authorized assistant poll clerks.
- 6 (6) Delivers a ballot to a voter to be voted, unless the person is:
- 7 (A) a poll clerk or authorized assistant poll clerk; or
- 8 (B) a member of a county election board or an absentee voter
- 9 board acting under IC 3-11-10.
- 10 (7) Delivers a ballot (other than an absentee ballot) to an inspector
- 11 that is not the ballot the voter receives from the poll clerk or
- 12 assistant poll clerk.
- 13 (8) Delivers an absentee ballot to a team of absentee ballot
- 14 counters appointed under IC 3-11.5-4-22, a county election board,
- 15 a circuit court clerk, or an absentee voting board under IC 3-11-10
- 16 that is not the ballot cast by the absentee voter.
- 17 (9) Delivers an absentee ballot prepared by the voter for voting to
- 18 a county election board, except for:
- 19 (A) the inspector;
- 20 (B) a member of the precinct election board temporarily acting
- 21 for the inspector;
- 22 (C) a member or an employee of a county election board
- 23 (acting under the authority of the board and in accordance with
- 24 state law) or an absentee voter board member acting under
- 25 IC 3-11-10; or
- 26 (D) a member of the voter's household or an individual
- 27 designated as attorney in fact for the voter, an employee of:
- 28 (i) the United States Postal Service; or
- 29 (ii) a bonded courier company;
- 30 (acting in the individual's capacity as an employee of the
- 31 United States Postal Service or a bonded courier company)
- 32 when delivering an envelope containing an absentee ballot
- 33 under IC 3-11-10-1.
- 34 (10) Possesses an unmarked absentee ballot on or before the date
- 35 of the election for which the absentee ballot has been printed,
- 36 unless the person is authorized to possess the absentee ballot
- 37 under this title as any of the following:
- 38 (A) A printer, when arranging for the delivery of unmarked
- 39 absentee ballots to a county election board under IC 3-11-2.
- 40 (B) A county election board member or employee (acting
- 41 under the authority of the board and in accordance with state
- 42 law).

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- 1 (C) An absentee voter board member.
 2 (D) An employee of:
 3 (i) the United States Postal Service; or
 4 (ii) a bonded courier company;
 5 (acting in the individual's capacity as an employee of the
 6 United States Postal Service or a bonded courier company)
 7 when delivering an envelope containing an absentee ballot.
 8 (E) An individual authorized under IC 3-11-10-24 to deliver
 9 an absentee ballot.
 10 (F) An absentee ballot counter under IC 3-11.5.
 11 (G) A provisional ballot counter.
 12 (H) A precinct election officer.
 13 (I) The voter who applied for the absentee ballot.
 14 (11) Completes or signs an absentee ballot application for a voter,
 15 or assists a voter in completing an absentee ballot application in
 16 violation of IC 3-11.
 17 SECTION 35. IC 3-14-2-17 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. A voter at an
 19 election who knowingly writes or places on a ballot a name, sign, or
 20 device as a distinguishing mark by which to indicate to any other
 21 person how the voter has voted commits a ~~Class D~~ **Class C** felony.
 22 SECTION 36. IC 3-14-2-20 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. A person who
 24 knowingly:
 25 (1) deceives a voter in registering the voter's vote under
 26 IC 3-11-8; or
 27 (2) registers a voter's vote in a way other than as requested by the
 28 voter;
 29 commits a ~~Class D~~ **Class C** felony.
 30 SECTION 37. IC 3-14-2-21 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. A person who
 32 fraudulently causes a voter at an election to vote for a person different
 33 from the one the voter intended to vote for or on a public question
 34 different from the vote the voter intended to cast commits a ~~Class D~~
 35 **Class C** felony.
 36 SECTION 38. IC 3-14-2-22 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 22. A person who
 38 knowingly furnishes a voter who cannot read the English language with
 39 a ballot at an election that the person represents to the voter as
 40 containing a name different from the one printed or written on it
 41 commits a ~~Class D~~ **Class C** felony.
 42 SECTION 39. IC 3-14-2-23 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. A person entrusted with the custody of ballots who knowingly:

- (1) opens a package in which the ballots are contained;
- (2) destroys a ballot; or
- (3) delivers such a package or ballot to a person not entitled to receive it;

commits a ~~Class D~~ **Class C** felony.

SECTION 40. IC 3-14-2-24, AS AMENDED BY P.L.103-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 24. A person who **does any of the following commits a Class C felony:**

- (1) Takes a ballot legally deposited out of a ballot box or out of a voting system for the purpose of destroying the ballot or substituting another ballot in its place.
- (2) Destroys or misplaces a ballot with the intent to substitute another ballot for it or with the intent to prevent it from being counted. ~~or~~
- (3) Knowingly enters upon the pollbooks the name of a person who has not legally voted or knowingly tallies a vote for a candidate or on a public question not voted for by the ballot.

~~commits a Class D felony.~~

SECTION 41. IC 3-14-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 25. A member of a precinct election board or county election board, a person employed at the central counting headquarters, or a person charged with a duty in connection with an election or entrusted with the custody or control of a ballot either before or after voting who marks or defaces a ballot for the purpose of:

- (1) identifying the ballot (except by numbering protested ballots for future reference as provided by law); or
- (2) vitiating the ballot;

commits a ~~Class D~~ **Class C** felony.

SECTION 42. IC 3-14-2-26, AS AMENDED BY P.L.103-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 26. A person who **does any of the following commits a Class C felony:**

- (1) During the progress of an election or within the time for preparation required under this title, knowingly breaks open or violates the seal or lock of a ballot box, envelope, container, bag, or voting system component in which ballots have been deposited.
- (2) Knowingly obtains a ballot box, envelope, container, bag, or voting system component that contains ballots and cancels,

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withholds, or destroys a ballot.

(3) Knowingly increases or decreases the number of ballots legally deposited in a ballot box, envelope, container, bag, or voting system component. ~~or~~

(4) Knowingly makes a fraudulent erasure or alteration on a tally sheet, pollbook, list of voters, or election return deposited in a ballot box, envelope, bag, or voting system component.

~~commits a Class D felony.~~

SECTION 43. IC 3-14-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 27. A precinct election officer at the close of the polls, an absentee ballot counter acting under IC 3-11.5-5 or IC 3-11.5-6, or a provisional ballot counter acting under IC 3-11.7-5 who knowingly:

(1) causes the vote to be incorrectly taken down for a candidate or public question; or

(2) makes a false statement, certificate, or return of any kind of that vote;

~~commits a Class D~~ **Class C** felony.

SECTION 44. IC 3-14-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. A person who:

(1) with intent to defraud, alters an election return;

(2) knowingly destroys, misplaces, or loses a pollbook or tally sheet; or

(3) with intent to defraud, alters the vote of a candidate or on a public question as returned by the county election board or its employees;

~~commits a Class D~~ **Class C** felony.

SECTION 45. IC 3-14-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. A member of a precinct election board, a precinct election officer, or a member of an absentee voter board who knowingly induces or persuades a voter to vote for a candidate or for or against a public question while acting as a board member or precinct election officer commits a ~~Class D~~ **Class C** felony.

SECTION 46. IC 3-14-3-19, AS AMENDED BY P.L.103-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. A person who, for the purpose of inducing or procuring another person to:

(1) apply for or cast an absentee ballot; or

(2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention;

gives, offers, or promises to any person any money or other property

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1 commits a ~~Class D~~ **Class C** felony.

2 SECTION 47. IC 3-14-3-20, AS AMENDED BY P.L.103-2005,
3 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2008]: Sec. 20. A person who, for the purpose of inducing or
5 procuring a voter to:

6 (1) apply for or cast an absentee ballot; or

7 (2) vote or refrain from voting for or against a candidate or for or
8 against a public question at an election or political convention;
9 receives, accepts, requests, or solicits from any person any money or
10 other property commits a ~~Class D~~ **Class C** felony.

11 SECTION 48. IC 3-14-4-6 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. An inspector, or
13 person acting in the inspector's behalf, who knowingly deposits:

14 (1) a ballot upon which the initials of the poll clerks or authorized
15 assistant poll clerks do not appear; or

16 (2) a ballot on which appears externally a distinguishing mark or
17 defacement;

18 commits a ~~Class D~~ **Class C** felony.

19 SECTION 49. IC 3-14-4-7 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. A member of a
21 precinct election board or a person otherwise entitled to the inspection
22 of the ballots who knowingly:

23 (1) reveals to another person how a voter has voted; or

24 (2) gives information concerning the appearance of any ballot
25 voted;

26 commits a ~~Class D~~ **Class C** felony.

27 SECTION 50. IC 3-14-4-8, AS AMENDED BY P.L.221-2005,
28 SECTION 139, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2008]: Sec. 8. A member of a precinct election
30 board, an absentee ballot counter appointed under IC 3-11.5-4-22, or
31 a provisional ballot counter appointed under IC 3-11.7-3 who
32 knowingly:

33 (1) opens or marks, by folding or otherwise, a ballot presented by
34 a voter, except as provided by law; or

35 (2) tries to find out how the voter voted before the ballot is
36 deposited in the ballot box or cast on a ballot card voting system
37 or an electronic voting system or counted by the absentee ballot
38 counter;

39 commits a ~~Class D~~ **Class C** felony.

40 SECTION 51. IC 3-14-4-10, AS AMENDED BY P.L.221-2005,
41 SECTION 140, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2008]: Sec. 10. A person who knowingly

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violates:

- (1) IC 3-11.5-5;
- (2) IC 3-11.5-6;
- (3) IC 3-12-2-1;
- (4) IC 3-12-3-14; or
- (5) IC 3-12-3.5-7;

by providing any other person with information concerning the number of votes a candidate received for an office or cast to approve or reject a public question on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a ~~Class~~ **Class C** felony.

SECTION 52. IC 3-14-5-2, AS AMENDED BY P.L.230-2005, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each precinct election board shall, at the close of the polls, place all affidavits prescribed by this title for use on election day to determine the eligibility of a precinct election officer (or a person who wishes to cast a ballot) in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(b) The inspector and judge of the opposite political party shall deliver the sealed bag or envelope to the county election board. The county election board shall do the following:

- (1) Remove the affidavits from the bag or envelope.
- (2) Mail a copy of each affidavit to the secretary of state **not later than sixty (60) days after election day.**
- (3) Replace the affidavits within the bag or envelope.
- (4) Reseal the bag or envelope with the endorsement of the name of each county election board member on the back of the bag or envelope.
- (5) Carefully preserve the resealed bag or envelope and deliver it, with the county election board's seal unbroken, to the foreman of the grand jury when next in session.

(c) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.

- (d) The grand jury shall file a report of the result of its inquiry with:
- (1) the court; and
 - (2) the NVRA official if a violation of NVRA appears to have occurred.

SECTION 53. IC 4-8.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) The individual elected as treasurer of state shall take office on January**

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1 **1 following the individual's election.**

2 (b) The treasurer of state and ~~his~~ the deputy treasurers shall each
3 give bond in an amount determined by the auditor of state and the
4 governor. The bond shall be conditioned on the faithful performance
5 of the duties as treasurer of state and deputy treasurer, respectively.
6 The bond must be procured from a surety company authorized by law
7 to transact business in this state.

8 SECTION 54. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b),
11 "vested status" as used in this article means the status of having ten
12 (10) years of creditable service.

13 (b) In the case of a person who is an elected county official whose
14 governing body has provided for the county official's participation in
15 the public employees' retirement fund under IC 5-10.3-7-2(1), "vested
16 status" means the status of having:

17 (1) at least eight (8) years of creditable service as an elected
18 county official in an office described in IC 5-10.2-4-1.7;

19 (2) been elected at least two (2) times if the person would have
20 had at least eight (8) years of creditable service as an elected
21 county official in an office described in IC 5-10.2-4-1.7 had the
22 person's term of office not been shortened under a statute enacted
23 under Article 6, Section 2(b) of the Constitution of the State of
24 Indiana; or

25 (3) at least ten (10) years of creditable service as a member of the
26 fund based on a combination of service as an elected county
27 official and as a full-time employee in a covered position.

28 (c) In the case of a person whose term of office commences after the
29 election on November 5, 2002, as auditor of state, secretary of state, or
30 treasurer of state, and who is prohibited by Article 6, Section 1 of the
31 Constitution of the State of Indiana from serving in that office for more
32 than eight (8) years during any period of twelve (12) years, that person
33 shall be vested with at least eight (8) years of creditable service as a
34 member of the fund.

35 **(d) This subsection applies to an individual elected to the office**
36 **of treasurer of state at the election on November 7, 2006. The**
37 **individual shall be vested if the individual is reelected as treasurer**
38 **of state at the 2010 general election and serves in the office until**
39 **January 1, 2015.**

40 SECTION 55. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2008]: **Sec. 1.9. (a) This section applies only**

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to a member of the public employees' retirement fund who:

(1) has served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana; and

(2) whose term of office as a state officer commenced after the election held on November 5, 2002.

(b) A member is eligible for normal retirement after becoming sixty-five (65) years of age if the member:

(1) has:

(A) served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana for at least eight (8) years; or

(B) been elected at least two (2) times and would have served at least eight (8) years as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana had the member's term of office not been shortened under a statute enacted to establish uniform dates for beginning the terms of state officers listed in Article 6, Section 1 of the Constitution of the State of Indiana; and

(2) is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years in any period of twelve (12) years.

(c) A member who:

(1) has served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana; and

(2) does not meet the requirements of subsection (b);

is eligible for normal retirement if the member has attained vested status (as defined in IC 5-10.2-1-8(a)) and meets the requirements of section 1 of this chapter.

SECTION 56. IC 20-23-4-12, AS AMENDED BY P.L.2-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) In formulating a preliminary reorganization plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:

(1) The name of the community school corporation.

(2) Subject to subsection (e), a general description of the boundaries of the community school corporation.

(3) With respect to the board of school trustees, **the following:**

(A) Whether the number of members is:

(i) three (3);

(ii) five (5); or

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- 1 (iii) seven (7).
 2 (B) Whether the members are elected or appointed.
 3 (C) If the members are appointed:
 4 (i) when the appointments are made; and
 5 (ii) who makes the appointments.
 6 (D) If the members are elected, ~~whether that~~ the election is at
 7 (i) ~~the primary election at which county officials are~~
 8 ~~nominated; or~~
 9 (ii) the general election at which county officials are elected.
 10 ~~and~~
 11 (E) Subject to sections 21 and 22 of this chapter, the manner
 12 in which members are elected or appointed.
 13 (4) The compensation, if any, of the members of the regular and
 14 interim board of school trustees, which may not exceed the
 15 amount provided in IC 20-26-4-7.
 16 (5) Subject to subsection (f), qualifications required of the
 17 members of the board of school trustees, including limitations on:
 18 (A) residence; and
 19 (B) term of office.
 20 (6) If an existing school corporation is divided in the
 21 reorganization, the disposition of assets and liabilities.
 22 (7) The disposition of school aid bonds, if any.
 23 (b) If existing school corporations are not divided in the
 24 reorganization, the:
 25 (1) assets;
 26 (2) liabilities; and
 27 (3) obligations;
 28 of the existing school corporations shall be transferred to and assumed
 29 by the new community school corporation of which they are a part,
 30 regardless of whether the plan provides for transfer and assumption.
 31 (c) The preliminary plan must be supported by a summary statement
 32 of **the following**:
 33 (1) The educational improvements the plan's adoption will make
 34 possible.
 35 (2) Data showing the:
 36 (A) assessed valuation;
 37 (B) number of resident students in ADA in grades 1 through
 38 12;
 39 (C) assessed valuation per student referred to in clause (B);
 40 and
 41 (D) property tax levies;
 42 of each existing school corporation to which the plan applies.

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(3) The:

(A) assessed valuation;

(B) resident ADA; and

(C) assessed valuation per student;

data referred to in subdivision 2(A) through 2(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee. ~~and~~

(4) Any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or

(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident ADA figures for:

(A) the school year in progress if the figures are available for that year; or

(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

(1) as near as reasonably possible by:

(A) streets;

(B) rivers; and

(C) other similar boundaries;

that are known by common names; or

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(2) if descriptions as described in subdivision (1) are not possible,
by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

(f) A member of the board of school trustees:

(1) may not serve an appointive or elective term of more than four

(4) years; and

(2) may serve more than one (1) consecutive appointive or elective term.

SECTION 57. IC 20-23-4-29.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 29.1. (a) This section applies to each school corporation.**

(b) If a plan provides for election of members of the governing body, the members of the governing body shall be elected at a general election. Each candidate must file a petition of nomination in accordance with IC 3-8-2.5 that is signed by the candidate and by ten (10) registered voters residing within the boundaries of the community school corporation. The filing must be made within the time specified by IC 3-8-2.5-4.

(c) All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in general elections are conducted. The precinct election boards serving in each county shall conduct the election for members of the governing body. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.

(d) If the plan provides that the members of the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The candidates who receive the most votes are elected.

(e) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-11-2,

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by residence districts without party designation. The ballot must state the number of members to be voted on and the maximum number of members that may be elected from each residence district as provided in the plan. A ballot is not valid if more than the maximum number of members are voted on from a board member residence district. The candidates who receive the most votes are elected. However, if more than the maximum number that may be elected from a residence district are among those receiving the most votes, the candidates from the residence districts exceeding the maximum number who receive the fewest votes shall be eliminated in determining the candidates who are elected.

(f) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The ballot must state the number of members to be voted on from the electoral district. The candidates residing in the electoral district who receive the most votes are elected.

SECTION 58. IC 20-23-4-30, AS ADDED BY P.L.230-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 30. (a) This section applies to each school corporation.

(b) If the governing body is to be elected at the primary election, each registered voter may vote in the governing body election without otherwise voting in the primary election.

(c) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

(d) (c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or

(2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of

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1 registered voters of the school corporation reside shall make the
2 appointment.

3 ~~(e)~~ **(d)** A vacancy in the governing body occurs if a member ceases
4 to be a resident of any community school corporation. A vacancy does
5 not occur when the member moves from a district of the school
6 corporation from which the member was elected or appointed if the
7 member continues to be a resident of the school corporation.

8 ~~(f)~~ **(e)** At the first ~~primary~~ or general election in which members of
9 the governing body are elected:

10 (1) a simple majority of the candidates elected as members of the
11 governing body who receive the ~~highest~~ **greatest** number of votes
12 shall be elected for four (4) year terms; and

13 (2) the balance of the candidates elected as members of the
14 governing body receiving the next ~~highest~~ **greatest** number of
15 votes shall be elected for two (2) year terms.

16 Thereafter, all school board members shall be elected for four (4) year
17 terms.

18 ~~(g)~~ **(f)** ~~Elected~~ governing body members ~~elected~~:

19 ~~(1) in November~~ take office and assume their duties on January
20 1 or July 1 after their election, as determined by the board of
21 school trustees before the election. ~~and~~

22 ~~(2) in May take office and assume their duties on July 1 after their~~
23 ~~election.~~

24 SECTION 59. IC 20-23-7-6, AS ADDED BY P.L.1-2005,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JANUARY 1, 2009]: Sec. 6. (a) The first metropolitan board of
27 education shall be composed of the:

28 (1) trustees; and

29 (2) members of school boards;

30 of the school corporations forming the metropolitan board of education.

31 (b) The members of the metropolitan board of education shall serve
32 ex officio as members subject to the laws concerning length of terms,
33 powers of election, or appointment and filling vacancies applicable to
34 their respective offices.

35 (c) If a metropolitan school district is comprised of only two (2)
36 board members, the two (2) members shall appoint a third board
37 member not more than ten (10) days after the creation of the
38 metropolitan school district. If the two (2) members are unable to agree
39 on or do not make the appointment of a third board member within the
40 ten (10) day period after the creation of the metropolitan school district,
41 the third member shall be appointed not more than twenty (20) days
42 after the creation of the metropolitan school district by the judge of the

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1 circuit court of the county in which the metropolitan school district is
 2 located. If the metropolitan school district is located in two (2) or more
 3 counties, the judge of the circuit court of the county containing that part
 4 of the metropolitan school district having more students than the part
 5 or parts located in another county or counties shall appoint the third
 6 member. The members of the metropolitan board of education serve
 7 until their successors are elected or appointed and qualified.

8 (d) The first meeting of the first metropolitan board of education
 9 shall be held not more than one (1) month after the creation of the
 10 metropolitan school district. The first meeting shall be called by the
 11 superintendent of schools, or township trustee of a school township, of
 12 the school corporation in the district having the largest number of
 13 students. At the first meeting, the board shall organize, and **each year**
 14 **during the first ten (10) days of each July after the board members**
 15 **that are elected or appointed to a new term take office,** the board
 16 shall reorganize, by electing a president, a vice president, a secretary,
 17 and a treasurer.

18 (e) The secretary of the board shall keep an accurate record of the
 19 minutes of the metropolitan board of education, and the minutes shall
 20 be kept in the superintendent's office. When a metropolitan school
 21 district is formed, the metropolitan superintendent shall act as
 22 administrator of the board and shall carry out the acts and duties as
 23 designated by the board. A quorum consists of a majority of the
 24 members of the board. A quorum is required for the transaction of
 25 business. The vote of a majority of those present is required for a:

- 26 (1) motion;
- 27 (2) ordinance; or
- 28 (3) resolution;

29 to pass.

30 (f) The board shall conduct its affairs in the manner described in this
 31 section. Except in unusual cases, the board shall hold its meetings at
 32 the office of the metropolitan superintendent or at a place mutually
 33 designated by the board and the superintendent. Board records are to
 34 be maintained and board business is to be conducted from the office of
 35 the metropolitan superintendent or a place designated by the board and
 36 the superintendent.

37 (g) The metropolitan board of education shall have the power to pay
 38 to a member of the board:

- 39 (1) a reasonable per diem for service on the board not to exceed
- 40 one hundred twenty-five dollars (\$125) per year; and
- 41 (2) for travel to and from a member's home to the place of the
- 42 meeting within the district, a sum for mileage equal to the amount

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per mile paid to state officers and employees. The rate per mile shall change when the state government changes its rate per mile.

SECTION 60. IC 20-23-7-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.**

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

- (1) in the form prescribed by IC 3-11-2;**
- (2) by board member districts; and**
- (3) without party designation.**

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board members.

(e) Voting and tabulation of votes shall be conducted in accordance with IC 3, and the candidates who receive the most votes are elected to the board.

(f) If there are more candidates from a particular board member district than may be elected from the board member district under section 5 of this chapter:

- (1) the number of candidates elected is the greatest number that may be elected from the board member district;**
- (2) the candidates elected are those who, among the candidates from the board member district, receive the most votes; and**
- (3) the other candidates from the board member district are eliminated.**

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(g) If there is a tie vote among the candidates for the board, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(h) If, at any time after the first board member election, a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

(1) appointing a person from the board member district from which the person who vacated the board was elected; or

(2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(i) At a general election held on the earlier of:

(1) more than sixty (60) days after an elected board member vacates membership on the board; or

(2) immediately before the end of the term for which the vacating member was elected;

a successor to a board member appointed under subsection (h) shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected shall serve for a two (2) year term.

(j) At the first general election where members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms and the other elected

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1 candidates shall be elected for two (2) year terms.

2 (k) Board members shall be elected for four (4) year terms after
3 the first election and shall take office January 1 following the
4 election.

5 SECTION 61. IC 20-23-7-12, AS AMENDED BY P.L.1-2007,
6 SECTION 143, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) As used in this section,
8 "county" means the county in which the school township is located.

9 (b) As used in this section, "school township" means a school
10 township in Indiana that:

11 (1) for the last full school semester immediately preceding:

12 (A) the adoption of a preliminary resolution by the township
13 trustee and the township board under subsection (f); or

14 (B) the adoption of a resolution of disapproval by the township
15 trustee and the township board under subsection (g);

16 had an ADM of at least six hundred (600) students in
17 kindergarten through grade 12 in the public schools of the school
18 township; or

19 (2) is part of a township in which there were more votes cast for
20 township trustee outside the school township than inside the
21 school township in the general election at which the trustee was
22 elected and that preceded the adoption of the preliminary or
23 disapproving resolution.

24 (c) As used in this section, "township board" means the township
25 board of a township in which the school township is located.

26 (d) As used in this section, "township trustee" means the township
27 trustee of the township in which the school township is located.

28 (e) In a school township, a metropolitan school district may be
29 created by complying with this section. A metropolitan school district
30 created under this section shall have the same boundaries as the school
31 township. After a district has been created under this section, the
32 school township that preceded the metropolitan school district is
33 abolished. The procedures or provisions governing the creation of a
34 metropolitan school district under another section of this chapter do not
35 apply to the creation of a district under this section. After a
36 metropolitan school district is created under this section, the district
37 shall, except as otherwise provided in this section, be governed by and
38 operate in accordance with this chapter governing the operation of a
39 metropolitan school district as established under section 2 of this
40 chapter.

41 (f) Except as provided in subsection (g), a metropolitan school
42 district provided for in subsection (e) may be created in the following

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1 manner:

2 (1) The township trustee shall call a meeting of the township
3 board. At the meeting, the township trustee and a majority of the
4 township board shall adopt a resolution that a metropolitan school
5 district shall be created in the school township. The township
6 trustee shall then give notice:

7 (A) by two (2) publications one (1) week apart in a newspaper
8 of general circulation published in the school township; or

9 (B) if there is no newspaper as described in clause (A), in a
10 newspaper of general circulation in the county;

11 of the adoption of the resolution setting forth the text of the
12 resolution.

13 (2) On the thirtieth day after the date of the last publication of the
14 notice under subdivision (1) and if a protest has not been filed, the
15 township trustee and a majority of the township board shall
16 confirm their preliminary resolution. If, however, on or before the
17 twenty-ninth day after the date of the last publication of the
18 notice, a number of registered voters of the school township,
19 equal to five percent (5%) or more of the number of votes cast in
20 the school township for secretary of state at the last preceding
21 general election for that office, sign and file with the township
22 trustee a petition requesting an election in the school township to
23 determine whether or not a metropolitan school district must be
24 created in the township in accordance with the preliminary
25 resolution, then an election must be held as provided in
26 subsection (h). The preliminary resolution and confirming
27 resolution provided in this subsection shall both be adopted at a
28 meeting of the township trustee and township board in which the
29 township trustee and each member of the township board received
30 or waived a written notice of the date, time, place, and purpose of
31 the meeting. The resolution and the proof of service or waiver of
32 the notice shall be made a part of the records of the township
33 board.

34 (g) Except as provided in subsection (f), a metropolitan school
35 district may also be created in the following manner:

36 (1) A number of registered voters of the school township, equal
37 to five percent (5%) or more of the votes cast in the school
38 township for secretary of state at the last general election for that
39 office, shall sign and file with the township trustee a petition
40 requesting the creation of a metropolitan school district under this
41 section.

42 (2) The township trustee and a majority of the township board

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shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under

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1 IC 20-23-7 be formed in the _____ School Township of
 2 _____ County, Indiana?". The name of the school township
 3 shall be inserted in the blanks.

4 (j) The votes cast in the election shall be canvassed at a place in the
 5 school township determined by the county election board. The
 6 certificate of the votes cast for and against the creation of a
 7 metropolitan school district shall be filed in the records of the township
 8 board and recorded with the county recorder. If the special election is
 9 not conducted at a primary or general election, the school township
 10 shall pay the expense of holding the election out of the school general
 11 fund that is appropriated for this purpose.

12 (k) A metropolitan school district shall, subject to section 7 of this
 13 chapter, be created on the thirtieth day after the date of the adoption of
 14 the confirming resolution under subsection (f) or an election held under
 15 subsection (h). If a public official fails to do the official's duty within
 16 the time prescribed in this section, the failure does not invalidate the
 17 proceedings taken under this section. An action to contest the validity
 18 of the creation of a metropolitan school district under this section or to
 19 enjoin the operation of a metropolitan school district may not be
 20 instituted later than the thirtieth day following the date of the adoption
 21 of the confirming resolution under subsection (f) or of the election held
 22 under subsection (h). Except as provided in this section, an election
 23 under this subsection may not be held sooner than twelve (12) months
 24 after another election held under subsection (h).

25 (l) A metropolitan school district is known as "The Metropolitan
 26 School District of _____ Township, _____ County,
 27 Indiana". The first metropolitan board of education in a metropolitan
 28 school district created under this section consists of five (5) members.
 29 The township trustee and the township board members are ex officio
 30 members of the first board, subject to the laws concerning length of
 31 their respective terms of office, manner of election or appointment, and
 32 the filling of vacancies applicable to their respective offices. The ex
 33 officio members serve without compensation or reimbursement for
 34 expenses, other than that which they may receive from their respective
 35 offices. The township board shall, by a resolution recorded in its
 36 records, appoint the fifth member of the metropolitan board of
 37 education. The fifth member shall meet the qualifications of a member
 38 of a metropolitan board of education under this chapter, with the
 39 exception of the board member district requirements provided in
 40 sections 4, 5, and 8 8.1 of this chapter.

41 (m) A fifth board member shall be appointed not more than fifteen
 42 (15) days after the date of the adoption of the confirming resolution

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under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until ~~July~~ **January 1** following the election of a metropolitan school board at the first ~~primary~~ **general** election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

SECTION 62. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) A plan or proposed plan must contain the following items:

(1) The number of members of the governing body, which shall be:

- (A) three (3);
- (B) five (5); or
- (C) seven (7);

members.

(2) Whether the governing board shall be elected or appointed.

(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

~~(4) If elected, whether the election shall be at the primary or at the general election that county officials are nominated or elected; and a general description of the manner of election that conforms with the requirements of IC 20-23-4-27.~~

(4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.

(5) The limitations on:

- (A) residence;
- (B) term of office; and

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- 1 (C) other qualifications;
 2 required by members of the governing body.
 3 (6) The time the plan takes effect.

4 A plan or proposed plan may have additional details to make the
 5 provisions of the plan workable. The details may include provisions
 6 relating to the commencement or length of terms of office of the
 7 members of the governing body taking office under the plan.

8 (b) Except as provided in subsection (a)(1), in a city having a
 9 population of more than fifty-nine thousand seven hundred (59,700)
 10 but less than sixty-five thousand (65,000), the governing body
 11 described in a plan may have up to nine (9) members.

12 SECTION 63. IC 20-23-8-21, AS ADDED BY P.L.1-2005,
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2009]: Sec. 21. An election may not be held under this
 15 chapter more than once each eighteen (18) months. A plan for a
 16 governing body may not be adopted more than once each six (6) years,
 17 except if **either of the following applies**:

18 ~~(1) the plan only changes the time of voting for board members~~
 19 ~~from the primary to the general election or from the general to the~~
 20 ~~primary election;~~

21 ~~(2) (1) A plan adopted is declared or held to be invalid by a~~
 22 ~~binding judgment or order in a United States or an Indiana court~~
 23 ~~that no appeal or further approval can be taken. or~~

24 ~~(3) (2) The plan provides solely for changes in items specified in~~
 25 ~~section 7(a)(5) of this chapter.~~

26 SECTION 64. IC 20-23-10-8, AS ADDED BY P.L.1-2005,
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2009]: Sec. 8. (a) The board members of a merged
 29 school corporation shall be elected at the first **primary general** election
 30 following the merged school corporation's creation, and vacancies shall
 31 be filled in accordance with IC 20-23-4-30.

32 (b) Until the first election under subsection (a), the board of trustees
 33 of the merged school corporation consists of:

34 (1) the members of the governing body of a school corporation in
 35 the county other than a school township; and

36 (2) the township trustee of a school township in the county.

37 (c) The first board of trustees shall select the name of the merged
 38 school corporation by a majority vote. The name may be changed by
 39 unanimous vote of the governing body of the merged school
 40 corporation.

41 SECTION 65. IC 20-23-12-3, AS ADDED BY P.L.1-2005,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2009]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:

(1) On a nonpartisan basis.

(2) In a **primary general** election ~~held~~ in the county.

(b) Six (6) of the members shall be elected from the school districts drawn under section 4 of this chapter. Each member:

(1) is elected from the school district in which the member resides; and

(2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) One (1) of the members elected:

(1) is the at-large member of the governing body;

(2) may reside in any of the districts drawn under section 4 of this chapter; and

(3) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

SECTION 66. IC 20-23-12-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) The term of each person elected to serve on the governing body

~~(1)~~ is four (4) years. ~~and~~

~~(2)~~ begins

(b) The term of each person elected to serve on the governing body begins the ~~July 1~~ January 1 that next follows the person's election.

SECTION 67. IC 20-23-12-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

SECTION 68. IC 20-23-13-1, AS ADDED BY P.L.230-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000)

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but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) ~~At the 2008 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members, each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

(c) ~~At the 2006 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members, each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

(d) ~~(b)~~ The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this ~~section~~ **chapter**.

SECTION 69. IC 20-23-13-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 2.1. (a) As used in this section, "county election board" includes a board of elections and registration established by IC 3-6-5.2.**

(b) The voters of the school city shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.

(c) Each candidate for election to the governing body must file a petition of nomination with the county election board in each county in which a school city subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

(1) The petition must be signed by at least two hundred (200) legal voters of the school city.

(2) Each petition may nominate only one (1) candidate.

(3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.

(d) After all the petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify

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the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

- (1) in alphabetical order;
- (2) without party designation; and
- (3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 70. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

- (1) IC 20-23-4-27; and ~~IC 20-23-4-29 through~~
- (2) IC 20-23-4-29.1;
- (3) IC 20-23-4-30; and
- (4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

SECTION 71. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

- (1) Each prospective candidate must file a **petition of nomination** ~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the **primary general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~

- (A) The name of the prospective candidate.
- (B) Whether the prospective candidate is a district candidate or an at-large candidate.
- (C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.
- (D) The signatures of at least one hundred (100) registered voters residing in the school corporation.

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- (2) Each prospective candidate for a district position must:
- (A) reside in the district; and
 - (B) have resided in the district for at least the three (3) years immediately preceding the election.
- (3) Each prospective candidate for an at-large position must:
- (A) reside in the school corporation; and
 - (B) have resided in the school corporation for at least the three (3) years immediately preceding the election.
- (4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:
- (A) be a registered voter;
 - (B) have been a registered voter for at least the three (3) years immediately preceding the election; and
 - (C) be a high school graduate or have received a:
 - (i) high school equivalency certificate; or
 - (ii) state general educational development (GED) diploma under IC 20-20-6.
- (5) A prospective candidate may not:
- (A) hold any other elective or appointive office; or
 - (B) have a pecuniary interest in any contract with the school corporation or its governing body;
- as prohibited by law.

SECTION 72. IC 20-23-14-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. **(a)** The term of each person elected to serve on the governing body

- ~~(1)~~ is four (4) years. ~~and~~
- ~~(2)~~ begins

(b) The term of each person elected to serve on the governing body begins on the July + January 1 that next follows the person's election.

SECTION 73. IC 20-23-14-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9. The members are elected as follows:

- (1) Three (3) of the members are elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.
- (2) Two (2) of the members are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

SECTION 74. IC 20-25-3-4, AS AMENDED BY P.L.1-2006, SECTION 322, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) The board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis in **primary general** elections held in the county as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on ~~July 1 of the year of~~ **January 1 immediately following** the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes

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for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 75. IC 33-33-53-5, AS AMENDED BY P.L.2-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

(1) Ensure that the court operates efficiently and judicially under rules adopted by the court.

(2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:

(A) the operation of the circuit's probation department;

(B) the defense of indigents; and

(C) maintaining an adequate law library.

(3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:

IC 8-4-21-2

IC 11-12-2-2

IC 16-22-2-4

IC 16-22-2-11

IC 16-22-7

IC 20-23-4

IC 20-23-7-6

~~IC 20-23-7-8~~ IC 20-23-7-8.1

IC 20-26-7-8

IC 20-26-7-14

IC 20-47-2-15

IC 20-47-3-13

IC 36-9

IC 36-10

IC 36-12-10-10.

(4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before the court.

SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 3-11-18-2; IC 3-11-18-18; IC 3-11-18-19; IC 3-11-18-20.

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SECTION 77. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2009]: IC 3-8-2-2.2; IC 20-23-4-29; IC 20-23-7-8; IC 20-23-13-2.

SECTION 78. [EFFECTIVE JULY 1, 2008] A county designated as a vote center pilot county under:

(1) P.L.164-2006, SECTION 148 (before its expiration); or

(2) SECTION 79 of this act;

is automatically redesignated as a vote center county under IC 3-11-18, as amended by this act, on July 1, 2008.

SECTION 79. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) The secretary of state may designate one (1) county as a vote center pilot county under IC 3-11-18.

(c) A county must file with the secretary of state an application to be designated a vote center pilot county under IC 3-11-18 not later than March 1, 2008.

(d) The secretary of state shall act in accordance with IC 3-11-18 and this SECTION to designate a county as a vote center pilot county not later than March 15, 2008.

(e) The designation of a county as a vote center pilot county under this SECTION is effective June 1, 2008.

(f) This SECTION expires July 1, 2008.

SECTION 80. [EFFECTIVE JANUARY 1, 2009] (a) As used in this SECTION, "governing body" refers to the governing body of a school corporation subject to any of the following:

(1) IC 20-23-4-30.

(2) IC 20-23-7-8 (before its repeal) and IC 20-23-7-8.1, as added by this act.

(3) IC 20-23-8-8.

(4) IC 20-23-10-8.

(5) IC 20-23-12.

(6) IC 20-23-13.

(7) IC 20-23-14.

(8) IC 20-25-3-4.

(b) This subsection applies to a member of a governing body elected at the 2006 primary election. The successor of such a member shall:

(1) be elected at the 2010 general election; and

(2) take office January 1, 2011.

(c) This subsection applies to a member of a governing body elected at the 2008 primary election. The successor of such a

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1 **member shall:**
 2 **(1) be elected at the 2012 general election; and**
 3 **(2) take office January 1, 2013.**
 4 **(d) This SECTION expires July 1, 2013.**
 5 **SECTION 81. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1196, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-40.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 40.6. "Provisional ballot" refers to a ballot cast in accordance with the provisions of IC 3-11.7. **The term includes an absentee ballot required to be treated as a provisional ballot under this title.**"

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 4. IC 3-7-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. **(a) Subject to subsection (c),** a board of registration may employ all necessary assistants.

(b) The number of employees shall be divided equally between the major political parties of the county.

(c) A person who is:

- (1) on probation;**
- (2) on parole;**
- (3) subject to home detention under IC 35-38-2.5;**
- (4) placed in a community corrections program under IC 35-38-2.6;**
- (5) in a community transition program under IC 11-10-11.5;**
- (6) participating in a postconviction forensic diversion program under IC 11-12-3.7;**
- (7) being supervised by a reentry court;**
- (8) serving a sentence in a minimum security assignment under IC 35-38-3-6; or**
- (9) serving an intermittent sentence;**

may not be an employee of, or otherwise perform work for, a board of registration."

Page 12, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 16. IC 3-11-10-17, AS AMENDED BY P.L.198-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. **(a) If the inspector finds under section 15 of this chapter that any of the following applies, ~~the inspector shall direct that the absentee ballot may not be accepted or counted;~~ processed as a provisional ballot under IC 3-11.7:**

- (1) The affidavit is insufficient or the ballot has not been endorsed with the initials of:**

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- (A) the two (2) members of the absentee voter board in the office of the circuit court clerk under IC 3-11-4-19 or section 27 of this chapter;
- (B) the two (2) members of the absentee voter board visiting the voter under section 25(b) of the chapter; or
- (C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.
- (2) A copy of the voter's signature has been furnished to the precinct election board and that the signatures do not correspond or there is no signature.
- (3) The absentee voter is not a qualified voter in the precinct.
- (4) The absentee voter has voted in person at the election.
- (5) The absentee voter has not registered.
- (6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.
- (7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.
- (8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.
- (9) The ballot has been challenged and not supported.
- (b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:
 - (1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or
 - (2) on an absentee ballot secrecy envelope that corresponds with the voter's signature:
 - (A) in the records of the county voter registration office; or
 - (B) on the absentee ballot application.
- (c) The voter may request that the voter's signature or mark be attested to by:
 - (1) the absentee voter board under section 25(b) of this chapter;
 - (2) a member of the voter's household; or
 - (3) an individual serving as attorney in fact for the voter.
- (d) An attestation under subsection (c) provides an adequate basis for an inspector to determine that a signature or mark complies with

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subsection (a)(2).

SECTION 17. IC 3-11-10-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. ~~Each~~ **(a) An absentee** ballot not accepted or counted for any of the reasons prescribed by section 17 of this chapter shall, without being unfolded to disclose how it is marked, be **replaced in the absentee ballot envelope in which the ballot was contained. The absentee ballot envelope shall be securely sealed and** endorsed with the words: "Rejected (giving the reason or reasons therefor)"; **for the rejection)".**

(b) All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the inspector shall write the words: ~~"Defective"~~ **"Absentee ballots to be processed as provisional ballots"**. The inspector shall also identify the precinct and the date of the election on the envelope containing the rejected ballots. ~~The defective absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election."~~

Page 17, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 21. IC 3-11-10-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 34. If ~~an envelope containing an absentee ballot has been marked "Rejected as defective"~~ **rejected under section 17 of this chapter** and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person. **A notation shall be made on the absentee ballot envelope of the rejected absentee ballot that the voter appeared at the polls."**

Page 17, delete lines 13 through 33, begin a new paragraph and insert:

"SECTION 22. IC 3-11.5-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that has adopted a resolution described by section 1 of this chapter:

- (1) IC 3-11-4-22.
- (2) IC 3-11-10-1.5.
- (3) IC 3-11-10-3.
- (4) IC 3-11-10-5.
- (5) IC 3-11-10-6.
- (6) IC 3-11-10-7.
- (7) IC 3-11-10-8.
- (8) IC 3-11-10-9.
- (9) IC 3-11-10-11.



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- (10) IC 3-11-10-12.
- (11) IC 3-11-10-13.
- (12) IC 3-11-10-14.
- (13) IC 3-11-10-15.
- (14) IC 3-11-10-16.
- (15) IC 3-11-10-17.
- (16) IC 3-11-10-18.
- (17) IC 3-11-10-20.
- (18) IC 3-11-10-21.
- (19) IC 3-11-10-22.
- (20) IC 3-11-10-23.
- (21) IC 3-11-10-31.
- (22) IC 3-11-10-32.
- (23) IC 3-11-10-33.
- (24) IC 3-11-10-34.
- ~~(25) IC 3-11-10-35.~~
- ~~(26)~~ (25) IC 3-11-10-36.
- ~~(27)~~ (26) IC 3-11-10-37.
- ~~(28)~~ (27) IC 3-12-2.
- ~~(29)~~ (28) IC 3-12-3-12."

Page 18, between lines 9 and 10, begin a new paragraph and insert:
 "SECTION 25. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005,
 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2008]: Sec. 13. (a) If the absentee ballot counters find under
 section 11 of this chapter that any of the following applies, the ballots
 shall be ~~rejected~~: **processed as provisional ballots under IC 3-11.7:**

- (1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:
 - (A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;
 - (B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or
 - (C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.
- (2) The signatures do not correspond or there is no signature.
- (3) The absentee voter is not a qualified voter in the precinct.
- (4) The absentee voter has voted in person at the election.
- (5) The absentee voter has not registered.
- (6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the

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ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 26. IC 3-11.5-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) **Each An absentee** ballot rejected for any of the reasons prescribed by section 13 of this chapter shall, without being unfolded to disclose how the ballot is marked, be **replaced in the absentee ballot envelope in which the ballot was contained. The absentee ballot envelope shall be securely**

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sealed and endorsed with the words: "Rejected (giving the reason or reasons for the rejection)".

(b) All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the absentee ballot counters shall write the words: **"Rejected" Absentee ballots to be processed as provisional ballots**". The absentee ballot counters shall also identify the precinct and the date of the election on the envelope containing the rejected ballots.

(c) ~~The rejected absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election.~~

SECTION 27. IC 3-11.5-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. If ~~an envelope containing~~ an absentee ballot has been ~~marked "Rejected"~~ **rejected under section 14 of this chapter** and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person if the voter presents the precinct election board with the certificate issued under section 13(c) of this chapter. **A notation shall be made on the absentee ballot envelope of the rejected absentee ballot that the voter appeared at the polls.**

SECTION 28. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) ~~As provided by 42 U.S.C. 15482,~~ This section applies to the following individuals:

(1) An individual:

- (A) whose name does not appear on the registration list; and
- (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(4) An individual whose absentee ballot has been rejected under IC 3-11-10-17 or IC 3-11.5-4-13.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

- (1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or
- (2) filed a copy of the identification required under 42 U.S.C.

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15483 to the county voter registration office before the voter's absentee ballot is cast;
is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

- (1) is eligible to vote under IC 3-7-13-1;
- (2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and
- (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

(e) An absentee ballot rejected under IC 3-11-10-17 or IC 3-11.5-4-13 shall be treated as a provisional ballot under this article. The county election board shall send a notice to the voter at the address indicated on the voter's absentee ballot application giving the following information:

- (1) That the voter's absentee ballot was rejected.**
- (2) The reasons for rejection of the voter's absentee ballot.**
- (3) That the voter's absentee ballot will be treated as a provisional ballot.**
- (4) That the county election board will have a meeting to determine whether provisional ballots shall be counted.**
- (5) The date, time, and place of the meeting described in subdivision (4).**
- (6) That the voter will be given an opportunity to support the validity of the absentee ballot.**
- (7) That the county election board may limit the voter's presentation. The county election board must grant a voter at least five (5) minutes to make a presentation.**

SECTION 29. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than noon ten (10) days following the election.

(c) The county election board shall meet before noon on the date described in subsection (b) to do the following:

- (1) Provide voters who have cast provisional ballots an opportunity to make a presentation in support of the validity**

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of the provisional ballot.

(2) Determine which provisional ballots shall be counted.

SECTION 30. IC 3-11.7-5-2, AS AMENDED BY P.L.103-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) ~~Except as provided in section 5 of this chapter;~~ If the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.

(3) Based on all the information available to the county election board, including:

(A) information provided by the provisional voter;

(B) information contained in the county's voter registration records; and

(C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot **unless:**

(1) the voter appears at the meeting held under section 1 of this chapter; and

(2) the board determines, based on the voter's presentation, that the voter was validly registered.

If the board determines that the voter was not properly registered, the board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) ~~Except as provided in section 5 of this chapter;~~ A provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42

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U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day."

Page 18, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 31. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) A voter who:

- (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and
- (2) cast a provisional ballot;

may personally appear ~~before the circuit court clerk or the~~ **at the** county election board ~~not later than the deadline specified by~~ **held under** section 1 of this chapter for the county election board to determine whether to count a provisional ballot. **The voter may also appear before the circuit court clerk before the county election board meeting to provide proof of identification and execute the affidavit as required under subsection (b).**

(b) Except as provided in subsection (c), ~~or (c);~~ if the voter:

- (1) provides proof of identification to the circuit court clerk or county election board; and
- (2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

~~(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:~~

~~(1) the voter is the same individual who:~~

~~(A) personally appeared before the precinct election board; and~~

~~(B) cast the provisional ballot on election day; and~~

~~(2) the voter:~~

~~(A) is:~~

~~(i) indigent; and~~

~~(ii) unable to obtain proof of identification without the payment of a fee; or~~

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~~(B)~~ has a religious objection to being photographed; the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board:

~~(d)~~ If the county election board determines that the voter described in subsection ~~(c)~~ has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

~~(1)~~ find that the voter's provisional ballot is valid; and

~~(2)~~ direct that the provisional ballot be:

~~(A)~~ opened under section 4 of this chapter; and

~~(B)~~ processed in accordance with this chapter.

~~(c)~~ ~~(e)~~ If the county election board determines that a voter described in subsection (b) ~~or~~ ~~(c)~~ has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and

(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

~~(f)~~ ~~(d)~~ If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection ~~(a)~~ described in section 1 of this chapter to:

(1) appear before the county election board **or the circuit court clerk**; and

(2) execute an affidavit in the manner prescribed by subsection (b); ~~or~~ ~~(c)~~;

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 32. IC 3-11.7-5-3, AS AMENDED BY P.L.103-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) **This section applies** if the board determines **any of the following**:

(1) That the affidavit executed by the provisional voter has not been properly executed.

(2) That the provisional voter is not a qualified voter of the precinct.

(3) That the **provisional** voter failed to provide proof of identification when required under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26. ~~or~~

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(4) That the provisional voter did not register to vote at a registration agency under this article on a date within the registration period.

(5) That the provisional voter's absentee ballot is not entitled to be counted under this title.

(b) The board shall make the following findings:

- (1) The provisional ballot is invalid.
- (2) The provisional ballot may not be counted.
- (3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.

~~(b)~~ (c) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".

SECTION 33. IC 3-11.7-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. As soon as the ballots have been counted, the counters shall do the following in the presence of the county election board:

- (1) Place in a strong paper envelope or bag the following:
 - (A) All provisional ballots, voted and spoiled.
 - (B) All provisional ballots
 - ~~(i) determined invalid under section 3 of this chapter. or~~
 - ~~(ii) rejected under section 5 of this chapter.~~
 - (C) All protested and uncounted provisional ballots.
 - (D) All provisional ballot envelopes.
 - (E) All executed affidavits relating to the provisional ballots.
 - (F) The tally papers.
- (2) Securely seal the envelope or bag.
- (3) Have both counters initial the envelope or bag.
- (4) Plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast.
- (5) Deliver the envelope or bag to the circuit court clerk.
- (6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag."

Page 19, delete lines 1 through 31.

Page 19, line 36, delete "December" and insert "**January**".

Page 19, line 36, delete "of" and insert "**following**".

Page 19, line 38, delete "during" and insert "**for**".

Page 20, line 37, strike "Except as provided in section 13 of this chapter,".

Page 20, line 37, delete "a" and insert "A".

Page 24, between lines 32 and 33, begin a new paragraph and insert:
"SECTION 43. THE FOLLOWING ARE REPEALED

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[EFFECTIVE JULY 1, 2008]: IC 3-11-10-35; IC 3-11.7-5-5."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1196 as introduced.)

PIERCE, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1196 be amended to read as follows:

Page 19, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 22. IC 3-11-14-28.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28.5. (a) This section applies if it is discovered, after a voter leaves the voting booth, that the voter has failed to register the voter's votes.**

(b) The judges, in the presence of the inspector, shall take all reasonable action to register the voter's votes. The judges shall attempt to register the votes without viewing any of the votes. However, the voter's votes are not void if either of the judges or the inspector sees any of the votes during an attempt to register the votes.

(c) The judges may not alter any of the voter's votes in performing the duty described in this section.

(d) If the judges are unable to register the voter's votes as provided in this section:

(1) the votes shall be canceled; and (2) the voter may not vote again at the election.

(e) A record of the occurrence and the results of the attempt to register the voter's votes shall be made on the poll list."

Renumber all SECTIONS consecutively.

(Reference is to HB 1196 as printed January 25, 2008.)

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SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1196.

LANDSKE

SENATE MOTION

Madam President: I move that Senators Lawson C and Broden be added as cosponsors of Engrossed House Bill 1196.

LANDSKE

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred House Bill No. 1196, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 11 through 28, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-49.9, AS ADDED BY P.L.164-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 49.9. (a) "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.

(b) ~~This section expires December 31, 2009.~~

SECTION 3. IC 3-6-3.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 3.9. Investigation of Violations of Election Law

Sec. 1. The secretary of state may conduct public or private investigations as the secretary of state considers necessary or appropriate to:

- (1) determine whether a violation of:**
 - (A) this title;**
 - (B) a rule adopted under this title; or**
 - (C) an order issued under this title;**

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has occurred, is occurring, or is about to occur; or

(2) aid in the enforcement of:

(A) this title; or

(B) rules adopted under this title.

Sec. 2. (a) If, after conducting an investigation under section 1 of this chapter, the secretary of state determines that a violation has occurred, is occurring, or is about to occur, the secretary of state shall refer the results of the investigation to the appropriate local, state, or federal agency.

(b) If, after conducting an investigation under section 1 of this chapter, the secretary of state determines that there is a basis for belief that there may have been a violation of criminal law, the secretary of state shall refer the results of the investigation to the appropriate federal agencies or the appropriate prosecuting attorney.

(c) At the request of:

(1) a federal, state, or local agency receiving a referral described in subsection (a) or (b); or

(2) a prosecuting attorney receiving a referral described in subsection (b);

the secretary of state shall give all necessary and reasonable assistance to the agency or the prosecuting attorney to facilitate the investigation of violations and the enforcement of this title.

(d) A federal, state, or local agency or a prosecuting attorney to which the secretary of state has referred investigation results under subsection (a) or (b) shall report to the secretary of state the agency's or prosecuting attorney's decision as to whether to take further action on the referral.

(e) A report made under subsection (d) must be filed with the secretary of state on the earlier of the following:

(1) One hundred eighty (180) days after the date of the referral.

(2) Sixty (60) days before the date the statute of limitations expires on a violation that was referred.

Sec. 3. (a) In conducting an investigation under this chapter, the secretary of state or a person designated by the secretary of state to exercise the powers provided in this section may do any of the following:

(1) Administer oaths and affirmations.

(2) Issue and serve subpoenas requiring:

(A) the appearance of a witness in person before the secretary of state or any person designated by the

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secretary of state; or

(B) the production of books, papers, electronic data, and documents or other things.

(3) Question witnesses.

(4) Require the filing of statements and other evidence.

(5) Take depositions in the manner prescribed by law for depositions in civil actions.

(6) Transcribe testimony provided by witnesses by deposition or other methods.

(7) Examine, inspect, or test, or cause to be examined, inspected, or tested, any machine, computer, or other thing.

(8) Apply to a court to enforce a subpoena or any other investigative request issued under this chapter.

(b) Each witness who appears before the secretary of state or a person designated by the secretary of state under subsection (a) by subpoena or other order is entitled to receive for the witness's attendance the fees and mileage provided for witnesses in civil cases, which shall be audited and paid by the state in the same manner as other expenses of the secretary of state are audited and paid upon the presentation of proper vouchers sworn to by the witnesses and approved by the secretary of state. However, a witness subpoenaed by a party other than the secretary of state or a person designated by the secretary of state under subsection (a) is not entitled to any fee or compensation from the state.

Sec. 4. (a) This section applies if:

(1) a person disobeys a lawful:

(A) subpoena issued under this chapter; or

(B) demand issued under this chapter requiring the production of books, accounts, papers, records, documents, or other evidence or information; or

(2) a witness refuses to:

(A) appear when subpoenaed;

(B) testify to any matter regarding which the witness may lawfully be questioned; or

(C) take or subscribe an oath required under this chapter.

(b) The secretary of state may file a written petition with the circuit or superior court of the county in which the investigation is being or will be conducted or where production is ordered to be made to compel:

(1) obedience to the lawful requirements of the subpoena or order;

(2) the production of the necessary or required books, papers,

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records, documents, or other evidence or information; or

(3) a witness to:

(A) appear in any county in Indiana and to testify to any matter regarding which the witness may lawfully be interrogated; or

(B) take or subscribe to an oath required under this chapter.

(c) The court shall hold a hearing to determine whether the person referred to in subsection (a)(1) may lawfully refuse to comply with the subpoena or demand or whether the witness referred to in subsection (a)(2) may lawfully refuse to appear, take an oath, and testify.

(d) If the court determines that the person referred to in subsection (a)(1) or the witness referred to in subsection (a)(2), based upon the person's or witness's privilege against self-incrimination, may properly refuse to answer a particular question or produce a particular item, the court shall grant use immunity to the person or witness at the written request of the secretary of state. The court shall instruct the person or witness, by written order or in open court, that:

(1) evidence the person or witness gives, or evidence derived from that evidence, may not be used in any criminal proceedings against the person or witness, unless the evidence is volunteered by the person or witness or is not responsive to a question; and

(2) the person or witness must answer the questions asked or produce the items requested.

A grant of use immunity under this subsection does not prohibit the use of evidence that the person or witness gives in an investigation from being used in a prosecution for perjury under IC 35-44-2-1.

(e) If a person:

(1) refuses to give the evidence after the person has been granted use immunity under subsection (d); or

(2) otherwise fails, refuses, or neglects to comply with a court order under this section;

the court shall punish the person for contempt of court.

(f) This section does not preclude a person from applying to the circuit or superior court in the county in which the investigation is being or will be conducted or where production is ordered to be made for relief from a request or order to appear, testify, file a statement, produce records, or obey a subpoena.

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Sec. 5. At the secretary of state's request, the attorney general shall give all necessary assistance to the secretary of state to implement this chapter."

Page 3, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 6. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(b) A person may file both:

- (1) a declaration of candidacy under this chapter for nomination to a federal or state office; and
- (2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.

~~(c) A person may not file:~~

- ~~(1) a declaration of candidacy for a nomination; and~~
- ~~(2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election;~~

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section 18 of this chapter. The board shall determine which document was most recently filed and shall consider the previously filed document to have been withdrawn.

SECTION 7. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

- (1) The title of each office.
- (2) The name of each individual who has filed a request to be placed on the presidential primary ballot.
- (3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.
- ~~(4) The names and addresses of all persons who have filed a petition of nomination for election to a school board office to be chosen at the same time as the primary election;~~
- ~~(5)~~ (4) The text of any public question to be placed on the ballot.

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- ~~(6)~~ (5) The date of the primary election.
 - ~~(7)~~ (6) The hours during which the polls will be open.
 - (b) The county election board shall do the following:
 - (1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.
 - (2) File a copy of the information described in subsection (a):
 - (A) with the election division; and
 - (B) in the minutes of the county election board.
 - (c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.
 - (d) An election is not invalidated by the failure of the board to comply with this section.
 - (e) If the county election board receives an amendment from the election division under section 17 of this chapter after:
 - (1) compilation of the information described in subsection (a) has occurred; or
 - (2) the board determines that it is impractical to recompile completely revised information;
- the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 8. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]:

Chapter 2.5. Nomination for School Board Office

Sec. 1. This chapter applies to a candidate for a school board office.

Sec. 2. A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

Sec. 3. A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5. If a candidate for a school board office is required to file a statement of organization for the candidate's principal committee, the statement of organization must be filed by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate.

Sec. 4. (a) A petition of nomination for a school board office must be filed not earlier than one hundred four (104) days and not

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later than noon seventy-four (74) days before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.

(b) A declaration of intent to be a write-in candidate for a school board office must be filed not earlier than ninety (90) days before the general election and not later than noon five (5) days before the final date for the delivery of absentee ballots under IC 3-11-4-15. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

SECTION 9. IC 3-10-1-19, AS AMENDED BY P.L.164-2006, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

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(3) Circuit offices and county judicial offices:

- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
- (E) Prosecuting attorney.
- (F) Circuit court clerk.

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner.
- (I) County council member.

(5) Township offices:

- (A) Township assessor.
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.

(6) City offices:

- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.

(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

- (1) Precinct committeeman.
- (2) State convention delegate.

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(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

~~(1) School board offices to be elected at the primary election.~~

~~(2) (1) Other Local offices to be elected at the primary election.~~

~~(3) (2) Local public questions.~~

(e) The offices and public questions described in subsection (d) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 10. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) ~~This subsection applies to a school board office or political office to be elected at the primary election ballot.~~ Candidates for a ~~school board office~~ or a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).

SECTION 11. IC 3-10-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 32. Primary election returns must contain the whole number of votes cast for **each**

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of the following:

- (1) Each candidate of each political party.
- (2) Each public question voted on at the primary election. ~~and~~
- (3) Each candidate for election to a ~~school board office or~~ political party office.

SECTION 12. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote:

- (1) in another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12; ~~or~~
- (2) at a special voting poll under section 6.5 of this chapter; ~~or~~
- (3) **at an alternate polling place under section 3.3 of this chapter.**

SECTION 13. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must include the following information:

- (1) For each precinct, whether the polls are located in an accessible facility.
- (2) If special polling places are designated under section 6.5 of this chapter:
 - (A) the location of each special polling place; and
 - (B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.
- (b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c) **or section 3.3 of this chapter**, a change may not be made within two (2) days before an election.
- (c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

SECTION 14. IC 3-11-8-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3.3. (a) Before each election that is held after June 30, 2008, each:**

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(1) county election board; and

(2) county board of elections and registration;

shall designate at a central location in the jurisdiction in which the election will be held at least one (1) alternate polling place for use in the event that voters are unable to vote in their assigned polling place because the polls do not open within one (1) hour after the time that the polls are required to open under section 8 of this chapter.

(b) If the polls in any precinct do not open within one (1) hour after the polls are required to open under section 8 of this chapter, the county election board or county board of elections and registration shall order the relocation of the polling place to the alternate polling place designated under subsection (a).

(c) The county election board shall give the best possible notice of the relocation of the polling place to the news media and the voters of the precinct.

(d) If the jurisdiction in which the election will be held has at least twenty-five thousand (25,000) active voters, the county election board or county board of elections and registration shall designate at least one (1) alternate polling place at a central location in each township included in the jurisdiction in which the election will be held.

(e) An alternate polling place designated under this section must:

(1) be located in an accessible facility; and

(2) operate under all other requirements for precincts and polls under this title.

(f) Votes cast at an alternate polling place shall be counted and reported in the same manner as if the votes had been cast at the polls that did not open within the period required under subsection (a)."

Delete pages 4 through 7.

Page 8, delete lines 1 through 17.

Page 8, line 40, delete "A voter described by either of the following is not required".

Page 8, delete line 41.

Page 8, line 42, delete "(1)".

Page 8, run in lines 40 through 42.

Page 9, line 1, delete ".".

Page 9, line 1, reset in roman "is".

Page 9, reset in roman lines 2 through 3.

Page 9, delete lines 4 through 12.

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Page 10, delete lines 11 through 36.

Page 11, delete lines 9 through 42.

Delete pages 12 through 15.

Page 16, delete lines 1 through 19.

Page 19, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 19. IC 3-11-18-1, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to a county designated as a vote center ~~pilot~~ county under this chapter.

SECTION 20. IC 3-11-18-3, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) For a county to be designated a vote center ~~pilot~~ county:

- (1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve ~~the filing of an application to be designated an order designating the county~~ a vote center ~~pilot~~ county;
- (2) all members of the board must sign the ~~application~~; **order**; and
- (3) the ~~application~~ **order** must be filed with the ~~secretary of state~~ **election division**.

(b) The ~~application~~ **order filed with the election division** must include **a copy of:**

- (1) a resolution adopted by the county executive; and
- (2) a resolution adopted by the county fiscal body;

approving the ~~submission~~ **designation** of the ~~application~~ **county as a vote center county**.

SECTION 21. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The ~~application~~ **order adopted by the county election board** must include a plan for the administration of vote centers in the county. The plan must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center. ~~and the municipality, if any, in which the vote center is located.~~
- (3) ~~A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.~~
- (3) The effective date of the order.

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(4) The total number of voters ~~within each municipality, in the county,~~ as of the date of the ~~application; order,~~ and the number of those voters ~~within each municipality~~ designated as "active" and "inactive" according to the ~~county voter registration office;~~ **computerized list (as defined in IC 3-7-26.3-2).**

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to:

(A) prevent a disruption of the vote center process; and

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(B) ensure that the election is properly conducted if a disruption occurs.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

SECTION 22. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. ~~(a) Except for a municipality described in subsection (b);~~ A plan must provide a vote center for use by voters residing in ~~each municipality~~ within the county ~~conducting for use in a primary election, general election, special election, a municipal primary, or a municipal election conducted on or after the effective date of the county election board's order.~~

~~(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.~~

SECTION 23. IC 3-11-18-6, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. When the total number of voters designated under section 4(4) of this chapter as "active" equals at least twenty-five thousand (25,000), ~~in the municipalities listed in the plan;~~ the following apply:

(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

SECTION 24. IC 3-11-18-7, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. Before approving ~~an application to designate an order designating~~ a county as a vote center ~~pilot~~ county under this chapter, the ~~secretary of state~~ **county election board** must determine the following:

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- (1) That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:
 - (A) any voter from voting more than once; and
 - (B) unauthorized access by any person to:
 - (i) the electronic poll lists for a precinct whose polls are to be located at the vote center; or
 - (ii) the computerized list of voters of the county.
- (2) That the planned design and location of the equipment and precinct officers will provide the most efficient access for:
 - (A) voters to enter the polls, cast their ballots, and leave the vote center; and
 - (B) precinct election officials, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

SECTION 25. IC 3-11-18-8, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** The designation of a county as a vote center ~~pilot~~ county takes effect immediately **upon the filing of the order with the election division**, unless otherwise specified by the ~~secretary of state~~ **county election board**.

(b) The designation of a county as a vote center county remains in effect until the county election board, by unanimous vote of its entire membership:

- (1) rescinds the order designating the county as a vote center county; and**
- (2) files a copy of the document rescinding the order with the election division.**

SECTION 26. IC 3-11-18-11, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan ~~submitted~~ **adopted** with the ~~application~~ **county election board's order** under section 4 of this chapter.

SECTION 27. IC 3-11-18-15, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) In addition to the precinct election officers appointed under IC 3-6-6, a county election board by the unanimous vote of the entire membership may appoint one (1) or more greeters to:

- (1) direct voters entering the vote center to the appropriate location for the voters to sign the electronic poll list; and

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(2) provide other instructions to facilitate the efficient movement of individuals within the vote center.

(b) An individual appointed as a greeter under this section must bear credentials issued by the county election board stating the name of the individual and the individual's status as a greeter.

(c) The plan adopted with a county election board's order under section 4 of this chapter may authorize precinct election officials to perform duties specified under this title using alternative procedures described in the plan in order to efficiently administer the county's vote centers.

SECTION 28. IC 3-11-18-17, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) ~~The secretary of state may permit~~ A county ~~to may~~ amend a plan ~~submitted~~ **adopted with a county election board's order** under section 4 of this chapter.

(b) For a county to amend its plan:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the ~~filing of a request to amend the plan~~ **amendment**;

(2) all members of the board must sign the ~~request~~ **amendment**; and

(3) the ~~request~~ **amendment** must be filed with the ~~secretary of state~~ **election division**.

~~(c) The request for amendment must set forth the specific amendments proposed to be made to the plan.~~

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.

SECTION 29. IC 3-14-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. A person who knowingly votes or offers to vote at an election when the person is not registered or authorized to vote commits a ~~Class D~~ **Class C** felony.

SECTION 30. IC 3-14-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. Except as provided by IC 3-10-10, IC 3-10-11, or IC 3-10-12, a person who knowingly votes or offers to vote in a precinct except the one in which the person is registered and resides commits a ~~Class D~~ **Class C** felony.

SECTION 31. IC 3-14-2-13, AS AMENDED BY P.L.103-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. A person who knowingly hires or solicits another person to go into a precinct for the purpose of voting at an

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election at the precinct when the person hired or solicited is not a voter in the precinct commits a ~~Class D~~ **Class C** felony.

SECTION 32. IC 3-14-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. A precinct election officer or public official upon whom a duty is imposed by this title who knowingly:

- (1) allows a person to vote who is not entitled to vote; or
 - (2) allows a person to vote by use of an unauthorized procedure;
- commits a ~~Class D~~ **Class C** felony.

SECTION 33. IC 3-14-2-15, AS AMENDED BY P.L.103-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. A member, an employee, or an agent of a county election board who knowingly delivers a ballot to a person except in the manner prescribed by this title commits a ~~Class D~~ **Class C** felony.

SECTION 34. IC 3-14-2-16, AS AMENDED BY P.L.103-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. A person who knowingly does any of the following commits a ~~Class D~~ **Class C** felony:

- (1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.
- (2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.
- (3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.
- (4) Receives from a voter a ballot prepared by the voter for voting, except:
 - (A) the inspector;
 - (B) a member of the precinct election board temporarily acting for the inspector;
 - (C) a member or an employee of a county election board (acting under the authority of the board and state law) or an absentee voter board member acting under IC 3-11-10; or
 - (D) a member of the voter's household, an individual designated as attorney in fact for the voter, or an employee of:
 - (i) the United States Postal Service; or
 - (ii) a bonded courier company;
 (acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company)

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when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(5) Receives a ballot from a person other than one of the poll clerks or authorized assistant poll clerks.

(6) Delivers a ballot to a voter to be voted, unless the person is:

(A) a poll clerk or authorized assistant poll clerk; or

(B) a member of a county election board or an absentee voter board acting under IC 3-11-10.

(7) Delivers a ballot (other than an absentee ballot) to an inspector that is not the ballot the voter receives from the poll clerk or assistant poll clerk.

(8) Delivers an absentee ballot to a team of absentee ballot counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.

(9) Delivers an absentee ballot prepared by the voter for voting to a county election board, except for:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member or an employee of a county election board (acting under the authority of the board and in accordance with state law) or an absentee voter board member acting under IC 3-11-10; or

(D) a member of the voter's household or an individual designated as attorney in fact for the voter, an employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(10) Possesses an unmarked absentee ballot on or before the date of the election for which the absentee ballot has been printed, unless the person is authorized to possess the absentee ballot under this title as any of the following:

(A) A printer, when arranging for the delivery of unmarked absentee ballots to a county election board under IC 3-11-2.

(B) A county election board member or employee (acting under the authority of the board and in accordance with state law).

(C) An absentee voter board member.

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(D) An employee of:

- (i) the United States Postal Service; or
- (ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot.

(E) An individual authorized under IC 3-11-10-24 to deliver an absentee ballot.

(F) An absentee ballot counter under IC 3-11-5.

(G) A provisional ballot counter.

(H) A precinct election officer.

(I) The voter who applied for the absentee ballot.

(11) Completes or signs an absentee ballot application for a voter, or assists a voter in completing an absentee ballot application in violation of IC 3-11.

SECTION 35. IC 3-14-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. A voter at an election who knowingly writes or places on a ballot a name, sign, or device as a distinguishing mark by which to indicate to any other person how the voter has voted commits a ~~Class D~~ **Class C** felony.

SECTION 36. IC 3-14-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. A person who knowingly:

(1) deceives a voter in registering the voter's vote under IC 3-11-8; or

(2) registers a voter's vote in a way other than as requested by the voter;

commits a ~~Class D~~ **Class C** felony.

SECTION 37. IC 3-14-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. A person who fraudulently causes a voter at an election to vote for a person different from the one the voter intended to vote for or on a public question different from the vote the voter intended to cast commits a ~~Class D~~ **Class C** felony.

SECTION 38. IC 3-14-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 22. A person who knowingly furnishes a voter who cannot read the English language with a ballot at an election that the person represents to the voter as containing a name different from the one printed or written on it commits a ~~Class D~~ **Class C** felony.

SECTION 39. IC 3-14-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. A person entrusted

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with the custody of ballots who knowingly:

- (1) opens a package in which the ballots are contained;
- (2) destroys a ballot; or
- (3) delivers such a package or ballot to a person not entitled to receive it;

commits a ~~Class D~~ **Class C** felony.

SECTION 40. IC 3-14-2-24, AS AMENDED BY P.L.103-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 24. A person who **does any of the following commits a Class C felony:**

- (1) Takes a ballot legally deposited out of a ballot box or out of a voting system for the purpose of destroying the ballot or substituting another ballot in its place.
- (2) Destroys or misplaces a ballot with the intent to substitute another ballot for it or with the intent to prevent it from being counted. ~~or~~
- (3) Knowingly enters upon the pollbooks the name of a person who has not legally voted or knowingly tallies a vote for a candidate or on a public question not voted for by the ballot.

commits a ~~Class D~~ felony.

SECTION 41. IC 3-14-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 25. A member of a precinct election board or county election board, a person employed at the central counting headquarters, or a person charged with a duty in connection with an election or entrusted with the custody or control of a ballot either before or after voting who marks or defaces a ballot for the purpose of:

- (1) identifying the ballot (except by numbering protested ballots for future reference as provided by law); or
- (2) vitiating the ballot;

commits a ~~Class D~~ **Class C** felony.

SECTION 42. IC 3-14-2-26, AS AMENDED BY P.L.103-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 26. A person who **does any of the following commits a Class C felony:**

- (1) During the progress of an election or within the time for preparation required under this title, knowingly breaks open or violates the seal or lock of a ballot box, envelope, container, bag, or voting system component in which ballots have been deposited.
- (2) Knowingly obtains a ballot box, envelope, container, bag, or voting system component that contains ballots and cancels, withholds, or destroys a ballot.

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(3) Knowingly increases or decreases the number of ballots legally deposited in a ballot box, envelope, container, bag, or voting system component. ~~or~~

(4) Knowingly makes a fraudulent erasure or alteration on a tally sheet, pollbook, list of voters, or election return deposited in a ballot box, envelope, bag, or voting system component.

~~commits a Class D felony.~~

SECTION 43. IC 3-14-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 27. A precinct election officer at the close of the polls, an absentee ballot counter acting under IC 3-11.5-5 or IC 3-11.5-6, or a provisional ballot counter acting under IC 3-11.7-5 who knowingly:

(1) causes the vote to be incorrectly taken down for a candidate or public question; or

(2) makes a false statement, certificate, or return of any kind of that vote;

~~commits a Class D~~ **Class C** felony.

SECTION 44. IC 3-14-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. A person who:

(1) with intent to defraud, alters an election return;

(2) knowingly destroys, misplaces, or loses a pollbook or tally sheet; or

(3) with intent to defraud, alters the vote of a candidate or on a public question as returned by the county election board or its employees;

~~commits a Class D~~ **Class C** felony.

SECTION 45. IC 3-14-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. A member of a precinct election board, a precinct election officer, or a member of an absentee voter board who knowingly induces or persuades a voter to vote for a candidate or for or against a public question while acting as a board member or precinct election officer commits a ~~Class D~~ **Class C** felony.

SECTION 46. IC 3-14-3-19, AS AMENDED BY P.L.103-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. A person who, for the purpose of inducing or procuring another person to:

(1) apply for or cast an absentee ballot; or

(2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention;

gives, offers, or promises to any person any money or other property commits a ~~Class D~~ **Class C** felony.

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SECTION 47. IC 3-14-3-20, AS AMENDED BY P.L.103-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. A person who, for the purpose of inducing or procuring a voter to:

- (1) apply for or cast an absentee ballot; or
- (2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention; receives, accepts, requests, or solicits from any person any money or other property commits a ~~Class D~~ **Class C** felony.

SECTION 48. IC 3-14-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. An inspector, or person acting in the inspector's behalf, who knowingly deposits:

- (1) a ballot upon which the initials of the poll clerks or authorized assistant poll clerks do not appear; or
- (2) a ballot on which appears externally a distinguishing mark or defacement;

commits a ~~Class D~~ **Class C** felony.

SECTION 49. IC 3-14-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. A member of a precinct election board or a person otherwise entitled to the inspection of the ballots who knowingly:

- (1) reveals to another person how a voter has voted; or
- (2) gives information concerning the appearance of any ballot voted;

commits a ~~Class D~~ **Class C** felony.

SECTION 50. IC 3-14-4-8, AS AMENDED BY P.L.221-2005, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. A member of a precinct election board, an absentee ballot counter appointed under IC 3-11.5-4-22, or a provisional ballot counter appointed under IC 3-11.7-3 who knowingly:

- (1) opens or marks, by folding or otherwise, a ballot presented by a voter, except as provided by law; or
- (2) tries to find out how the voter voted before the ballot is deposited in the ballot box or cast on a ballot card voting system or an electronic voting system or counted by the absentee ballot counter;

commits a ~~Class D~~ **Class C** felony.

SECTION 51. IC 3-14-4-10, AS AMENDED BY P.L.221-2005, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. A person who knowingly violates:

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- (1) IC 3-11.5-5;
- (2) IC 3-11.5-6;
- (3) IC 3-12-2-1;
- (4) IC 3-12-3-14; or
- (5) IC 3-12-3.5-7;

by providing any other person with information concerning the number of votes a candidate received for an office or cast to approve or reject a public question on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a ~~Class~~ **Class C** felony.

SECTION 52. IC 3-14-5-2, AS AMENDED BY P.L.230-2005, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each precinct election board shall, at the close of the polls, place all affidavits prescribed by this title for use on election day to determine the eligibility of a precinct election officer (or a person who wishes to cast a ballot) in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(b) The inspector and judge of the opposite political party shall deliver the sealed bag or envelope to the county election board. The county election board shall do the following:

- (1) Remove the affidavits from the bag or envelope.
- (2) Mail a copy of each affidavit to the secretary of state **not later than sixty (60) days after election day.**
- (3) Replace the affidavits within the bag or envelope.
- (4) Reseal the bag or envelope with the endorsement of the name of each county election board member on the back of the bag or envelope.
- (5) Carefully preserve the resealed bag or envelope and deliver it, with the county election board's seal unbroken, to the foreman of the grand jury when next in session.

(c) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.

- (d) The grand jury shall file a report of the result of its inquiry with:
 - (1) the court; and
 - (2) the NVRA official if a violation of NVRA appears to have occurred."

Delete pages 20 through 29.

Page 30, delete lines 1 through 10.

Page 31, after line 42, begin a new paragraph and insert:

"SECTION 56. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,

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SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) In formulating a preliminary reorganization plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:

- (1) The name of the community school corporation.
- (2) Subject to subsection (e), a general description of the boundaries of the community school corporation.
- (3) With respect to the board of school trustees, **the following**:
 - (A) Whether the number of members is:
 - (i) three (3);
 - (ii) five (5); or
 - (iii) seven (7).
 - (B) Whether the members are elected or appointed.
 - (C) If the members are appointed:
 - (i) when the appointments are made; and
 - (ii) who makes the appointments.
 - (D) If the members are elected, ~~whether that~~ the election is at
 - (i) ~~the primary election at which county officials are nominated; or~~
 - (ii) the general election at which county officials are elected.~~and~~
 - (E) Subject to sections 21 and 22 of this chapter, the manner in which members are elected or appointed.
- (4) The compensation, if any, of the members of the regular and interim board of school trustees, which may not exceed the amount provided in IC 20-26-4-7.
- (5) Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:
 - (A) residence; and
 - (B) term of office.
- (6) If an existing school corporation is divided in the reorganization, the disposition of assets and liabilities.
- (7) The disposition of school aid bonds, if any.
- (b) If existing school corporations are not divided in the reorganization, the:
 - (1) assets;
 - (2) liabilities; and
 - (3) obligations;
 of the existing school corporations shall be transferred to and assumed by the new community school corporation of which they are a part, regardless of whether the plan provides for transfer and assumption.

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(c) The preliminary plan must be supported by a summary statement of **the following:**

(1) The educational improvements the plan's adoption will make possible.

(2) Data showing the:

(A) assessed valuation;

(B) number of resident students in ADA in grades 1 through 12;

(C) assessed valuation per student referred to in clause (B); and

(D) property tax levies;

of each existing school corporation to which the plan applies.

(3) The:

(A) assessed valuation;

(B) resident ADA; and

(C) assessed valuation per student;

data referred to in subdivision 2(A) through 2(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee. ~~and~~

(4) Any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or

(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident ADA figures for:

(A) the school year in progress if the figures are available for that year; or

(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is

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sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

- (1) as near as reasonably possible by:
 - (A) streets;
 - (B) rivers; and
 - (C) other similar boundaries;
 that are known by common names; or
- (2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

- (f) A member of the board of school trustees:
 - (1) may not serve an appointive or elective term of more than four (4) years; and
 - (2) may serve more than one (1) consecutive appointive or elective term.

SECTION 57. IC 20-23-4-29.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 29.1. (a) This section applies to each school corporation.**

(b) If a plan provides for election of members of the governing body, the members of the governing body shall be elected at a general election. Each candidate must file a petition of nomination in accordance with IC 3-8-2.5 that is signed by the candidate and by ten (10) registered voters residing within the boundaries of the community school corporation. The filing must be made within the time specified by IC 3-8-2.5-4.

(c) All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in general elections are conducted. The precinct election boards serving in each county shall conduct the election for members of the governing body. If a school corporation is

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located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.

(d) If the plan provides that the members of the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The candidates who receive the most votes are elected.

(e) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-11-2, by residence districts without party designation. The ballot must state the number of members to be voted on and the maximum number of members that may be elected from each residence district as provided in the plan. A ballot is not valid if more than the maximum number of members are voted on from a board member residence district. The candidates who receive the most votes are elected. However, if more than the maximum number that may be elected from a residence district are among those receiving the most votes, the candidates from the residence districts exceeding the maximum number who receive the fewest votes shall be eliminated in determining the candidates who are elected.

(f) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The ballot must state the number of members to be voted on from the electoral district. The candidates residing in the electoral district who receive the most votes are elected.

SECTION 58. IC 20-23-4-30, AS ADDED BY P.L.230-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 30. (a) This section applies to each school corporation.

~~(b)~~ If the governing body is to be elected at the primary election, each registered voter may vote in the governing body election without otherwise voting in the primary election.

~~(c)~~ (b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

~~(d)~~ (c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether

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the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

- (1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or
- (2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

~~(c)~~ (d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

~~(f)~~ (e) At the first ~~primary~~ or general election in which members of the governing body are elected:

- (1) a simple majority of the candidates elected as members of the governing body who receive the ~~highest~~ **greatest** number of votes shall be elected for four (4) year terms; and
- (2) the balance of the candidates elected as members of the governing body receiving the next ~~highest~~ **greatest** number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

~~(g)~~ (f) **Elected** governing body members ~~elected~~:

- ~~(1) in November~~ take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election. ~~and~~
- ~~(2) in May take office and assume their duties on July 1 after their election.~~

SECTION 59. IC 20-23-7-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 6. (a) The first metropolitan board of education shall be composed of the:

- (1) trustees; and
- (2) members of school boards;

of the school corporations forming the metropolitan board of education.

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(b) The members of the metropolitan board of education shall serve ex officio as members subject to the laws concerning length of terms, powers of election, or appointment and filling vacancies applicable to their respective offices.

(c) If a metropolitan school district is comprised of only two (2) board members, the two (2) members shall appoint a third board member not more than ten (10) days after the creation of the metropolitan school district. If the two (2) members are unable to agree on or do not make the appointment of a third board member within the ten (10) day period after the creation of the metropolitan school district, the third member shall be appointed not more than twenty (20) days after the creation of the metropolitan school district by the judge of the circuit court of the county in which the metropolitan school district is located. If the metropolitan school district is located in two (2) or more counties, the judge of the circuit court of the county containing that part of the metropolitan school district having more students than the part or parts located in another county or counties shall appoint the third member. The members of the metropolitan board of education serve until their successors are elected or appointed and qualified.

(d) The first meeting of the first metropolitan board of education shall be held not more than one (1) month after the creation of the metropolitan school district. The first meeting shall be called by the superintendent of schools, or township trustee of a school township, of the school corporation in the district having the largest number of students. At the first meeting, the board shall organize, and **each year** during the first ten (10) days ~~of each July~~ **after the board members that are elected or appointed to a new term take office**, the board shall reorganize, by electing a president, a vice president, a secretary, and a treasurer.

(e) The secretary of the board shall keep an accurate record of the minutes of the metropolitan board of education, and the minutes shall be kept in the superintendent's office. When a metropolitan school district is formed, the metropolitan superintendent shall act as administrator of the board and shall carry out the acts and duties as designated by the board. A quorum consists of a majority of the members of the board. A quorum is required for the transaction of business. The vote of a majority of those present is required for a:

- (1) motion;
- (2) ordinance; or
- (3) resolution;

to pass.

(f) The board shall conduct its affairs in the manner described in this

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section. Except in unusual cases, the board shall hold its meetings at the office of the metropolitan superintendent or at a place mutually designated by the board and the superintendent. Board records are to be maintained and board business is to be conducted from the office of the metropolitan superintendent or a place designated by the board and the superintendent.

(g) The metropolitan board of education shall have the power to pay to a member of the board:

- (1) a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year; and
- (2) for travel to and from a member's home to the place of the meeting within the district, a sum for mileage equal to the amount per mile paid to state officers and employees. The rate per mile shall change when the state government changes its rate per mile.

SECTION 60. IC 20-23-7-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.**

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

- (1) in the form prescribed by IC 3-11-2;**
- (2) by board member districts; and**
- (3) without party designation.**

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board members.

(e) Voting and tabulation of votes shall be conducted in

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accordance with IC 3, and the candidates who receive the most votes are elected to the board.

(f) If there are more candidates from a particular board member district than may be elected from the board member district under section 5 of this chapter:

- (1) the number of candidates elected is the greatest number that may be elected from the board member district;
- (2) the candidates elected are those who, among the candidates from the board member district, receive the most votes; and
- (3) the other candidates from the board member district are eliminated.

(g) If there is a tie vote among the candidates for the board, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(h) If, at any time after the first board member election, a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

- (1) appointing a person from the board member district from which the person who vacated the board was elected; or
- (2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(i) At a general election held on the earlier of:

- (1) more than sixty (60) days after an elected board member vacates membership on the board; or
- (2) immediately before the end of the term for which the vacating member was elected;

a successor to a board member appointed under subsection (h) shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a

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successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected shall serve for a two (2) year term.

(j) At the first general election where members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms and the other elected candidates shall be elected for two (2) year terms.

(k) Board members shall be elected for four (4) year terms after the first election and shall take office January 1 following the election.

SECTION 61. IC 20-23-7-12, AS AMENDED BY P.L.1-2007, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

(1) for the last full school semester immediately preceding:

(A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or

(B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);

had an ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(c) As used in this section, "township board" means the township board of a township in which the school township is located.

(d) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(e) In a school township, a metropolitan school district may be created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school

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township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. The procedures or provisions governing the creation of a metropolitan school district under another section of this chapter do not apply to the creation of a district under this section. After a metropolitan school district is created under this section, the district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by two (2) publications one (1) week apart in a newspaper of general circulation published in the school township; or

(B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the notice under subdivision (1) and if a protest has not been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of

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the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after

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the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the school general fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of

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their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and ~~8~~ **8.1** of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until ~~July~~ **January 1** following the election of a metropolitan school board at the first ~~primary~~ **general** election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

SECTION 62. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) A plan or proposed plan must contain the following items:

- (1) The number of members of the governing body, which shall be:
 - (A) three (3);
 - (B) five (5); or
 - (C) seven (7);
 members.
- (2) Whether the governing board shall be elected or appointed.
- (3) If appointed, when and by whom, and a general description of

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the manner of appointment that conforms with the requirements of IC 20-23-4-28.

~~(4) If elected; whether the election shall be at the primary or at the general election that county officials are nominated or elected; and a general description of the manner of election that conforms with the requirements of IC 20-23-4-27.~~

(4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.

(5) The limitations on:

- (A) residence;
- (B) term of office; and
- (C) other qualifications;

required by members of the governing body.

(6) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 63. IC 20-23-8-21, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if **either of the following applies:**

~~(1) the plan only changes the time of voting for board members from the primary to the general election or from the general to the primary election;~~

~~(2) (1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken. or~~

~~(3) (2) The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.~~

SECTION 64. IC 20-23-10-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) The board members of a merged school corporation shall be elected at the first **primary general** election following the merged school corporation's creation, and vacancies shall

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be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

- (1) the members of the governing body of a school corporation in the county other than a school township; and
- (2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by unanimous vote of the governing body of the merged school corporation.

SECTION 65. IC 20-23-12-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:

- (1) On a nonpartisan basis.
- (2) In a **primary general** election ~~held~~ in the county.

(b) Six (6) of the members shall be elected from the school districts drawn under section 4 of this chapter. Each member:

- (1) is elected from the school district in which the member resides; and
- (2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) One (1) of the members elected:

- (1) is the at-large member of the governing body;
- (2) may reside in any of the districts drawn under section 4 of this chapter; and
- (3) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

SECTION 66. IC 20-23-12-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. **(a)** The term of each person elected to serve on the governing body

- ~~(1)~~ is four (4) years. ~~and~~
- ~~(2)~~ begins

(b) The term of each person elected to serve on the governing body begins the July 1 January 1 that next follows the person's election.

SECTION 67. IC 20-23-12-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9. The members are elected as follows:

- (1) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in

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~~2008~~ **2012** and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

SECTION 68. IC 20-23-13-1, AS ADDED BY P.L.230-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) ~~At the 2008 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members, each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

(c) ~~At the 2006 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members, each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

~~(d)~~ (b) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this ~~section~~ **chapter**.

SECTION 69. IC 20-23-13-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 2.1. (a) As used in this section, "county election board" includes a board of elections and registration established by IC 3-6-5.2.**

(b) The voters of the school city shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.

(c) Each candidate for election to the governing body must file

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a petition of nomination with the county election board in each county in which a school city subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

- (1) The petition must be signed by at least two hundred (200) legal voters of the school city.
- (2) Each petition may nominate only one (1) candidate.
- (3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.
- (d) After all the petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.
- (e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

- (1) in alphabetical order;
- (2) without party designation; and
- (3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 70. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

- (1) IC 20-23-4-27; and ~~IC 20-23-4-29 through~~
- (2) **IC 20-23-4-29.1;**
- (3) **IC 20-23-4-30; and**
- (4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

SECTION 71. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

- (1) Each prospective candidate must file a **petition of** nomination

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~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the **primary general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~

- (A) The name of the prospective candidate.
- (B) Whether the prospective candidate is a district candidate or an at-large candidate.
- (C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.
- (D) The signatures of at least one hundred (100) registered voters residing in the school corporation.
- (2) Each prospective candidate for a district position must:
 - (A) reside in the district; and
 - (B) have resided in the district for at least the three (3) years immediately preceding the election.
- (3) Each prospective candidate for an at-large position must:
 - (A) reside in the school corporation; and
 - (B) have resided in the school corporation for at least the three (3) years immediately preceding the election.
- (4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:
 - (A) be a registered voter;
 - (B) have been a registered voter for at least the three (3) years immediately preceding the election; and
 - (C) be a high school graduate or have received a:
 - (i) high school equivalency certificate; or
 - (ii) state general educational development (GED) diploma under IC 20-20-6.
- (5) A prospective candidate may not:
 - (A) hold any other elective or appointive office; or
 - (B) have a pecuniary interest in any contract with the school corporation or its governing body;
 as prohibited by law.

SECTION 72. IC 20-23-14-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) The term of each person elected to serve on the governing body
~~(1) is four (4) years. and~~
~~(2) begins~~

(b) The term of each person elected to serve on the governing body begins on the July + January 1 that next follows the person's

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election.

SECTION 73. IC 20-23-14-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

(2) Two (2) of the members are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

SECTION 74. IC 20-25-3-4, AS AMENDED BY P.L.1-2006, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) The board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis in **primary general** elections held in the county as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall

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be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on ~~July 1 of the year of~~ **January 1 immediately following** the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 75. IC 33-33-53-5, AS AMENDED BY P.L.2-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the court operates efficiently and judicially under rules adopted by the court.
- (2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:
 - (A) the operation of the circuit's probation department;
 - (B) the defense of indigents; and
 - (C) maintaining an adequate law library.
- (3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:

IC 8-4-21-2

IC 11-12-2-2

IC 16-22-2-4

IC 16-22-2-11

IC 16-22-7

IC 20-23-4

IC 20-23-7-6

~~IC 20-23-7-8~~ **IC 20-23-7-8.1**

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IC 20-47-2-15

IC 20-47-3-13

IC 36-9

IC 36-10

IC 36-12-10-10.

(4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before the court.

SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 3-11-18-2; IC 3-11-18-18; IC 3-11-18-19; IC 3-11-18-20.

SECTION 77. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2009]: IC 3-8-2-2.2; IC 20-23-4-29; IC 20-23-7-8; IC 20-23-13-2.

SECTION 78. [EFFECTIVE JULY 1, 2008] **A county designated as a vote center pilot county under:**

- (1) P.L.164-2006, SECTION 148 (before its expiration); or**
- (2) SECTION 79 of this act;**

is automatically redesignated as a vote center county under IC 3-11-18, as amended by this act, on July 1, 2008.

SECTION 79. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] **(a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.**

(b) The secretary of state may designate one (1) county as a vote center pilot county under IC 3-11-18.

(c) A county must file with the secretary of state an application to be designated a vote center pilot county under IC 3-11-18 not later than March 1, 2008.

(d) The secretary of state shall act in accordance with IC 3-11-18 and this SECTION to designate a county as a vote center pilot county not later than March 15, 2008.

(e) The designation of a county as a vote center pilot county under this SECTION is effective June 1, 2008.

(f) This SECTION expires July 1, 2008.

SECTION 80. [EFFECTIVE JANUARY 1, 2009] **(a) As used in this SECTION, "governing body" refers to the governing body of a school corporation subject to any of the following:**

- (1) IC 20-23-4-30.**
- (2) IC 20-23-7-8 (before its repeal) and IC 20-23-7-8.1, as added by this act.**
- (3) IC 20-23-8-8.**



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(4) IC 20-23-10-8.

(5) IC 20-23-12.

(6) IC 20-23-13.

(7) IC 20-23-14.

(8) IC 20-25-3-4.

(b) This subsection applies to a member of a governing body elected at the 2006 primary election. The successor of such a member shall:

(1) be elected at the 2010 general election; and

(2) take office January 1, 2011.

(c) This subsection applies to a member of a governing body elected at the 2008 primary election. The successor of such a member shall:

(1) be elected at the 2012 general election; and

(2) take office January 1, 2013.

(d) This SECTION expires July 1, 2013."

Delete page 32.

Page 33, delete lines 1 through 29.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1196 as reprinted January 30, 2008.)

LAWSON C, Chairperson

Committee Vote: Yeas 5, Nays 2.

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